

Chapter Two Land Use

Introduction

The fundamental precepts of ~~this chapter and~~ the Whatcom County Comprehensive Plan are to comply with the Growth Management Act (GMA), adhere to the County-wide Planning Policies and implement the Vision for Whatcom County, ~~as defined through the Whatcom 2031 visioning process.~~

*** VISION ***

Whatcom County is a place where urban growth is concentrated in urban areas, where there is a distinct boundary between urban and rural uses, where agricultural use is encouraged, and where resource lands and water resources are protected, ~~and where land use changes are brought about through incentive programs.~~ Rural areas are peaceful and quiet with less traffic and congestion than in urban areas. There is low-density development with open spaces allowing for privacy. A sense of community is retained and local ~~control is exercised~~ input is considered in land use decisions.

Chapter Organization

The Land Use chapter and map include a set of adopted land use designations which combine the predicted needs of future populations with the availability of land and the desires of residents. These needs and desires are expressed through the goals, and policies, ~~and actions~~ included below as well as through implementation of the land use map. This chapter is divided into sections that address:

- Overall Land Use
- Urban Growth Areas (UGAs)
- Rural Lands
- Urban Growth Area Reserves
- Special Study Areas
- Comprehensive Plan Designations
- Open Space
- Essential Public Facilities; and
- Adult Businesses
- Historic and Cultural Resources

Process

~~Each subsection of this chapter describes the process used in creating that section.~~

GMA Goals, and County-Wide Planning Policies, and Community Value Statements

The Land Use chapter supports many of the GMA goals. The land use plan is based on a vision of Whatcom County that concentrates growth in urban areas but recognizes the need for economic diversity across the county. This chapter has been coordinated with all other chapters in the plan. Natural resource industries are encouraged and property rights and the permitting process are addressed.

County-Wide Planning Policies (CWPP), found in Appendix C, are supported throughout the Land Use chapter in goals, policies, and ~~actions and in~~ land use designations.

The "Urban Versus Rural Distinctions" and "Urban Growth Areas" sections of the CWPP are addressed by discouraging urban levels of development outside urban growth areas, allowing small cities adequately sized UGAs, accommodating the projected population and calculating needed land area, defining rural areas and drawing distinct boundaries between rural and urban areas, and minimizing impacts on resource lands and environmentally sensitive areas.

The "Contiguous, Orderly Development and Planning in Urban Growth Areas" section of the CWPP is addressed through the urban growth area analysis and identification of areas where timely and adequate services can be provided.

The "Open Space/Greenbelt Corridors" section of the CWPP is addressed and supported in goals and policies in the Open Space section of this chapter and in the designation of Open Space Corridors.

Goal 6 of the Growth Management Act, regarding Property Rights and the "Private Property Rights" section in the CWPP ~~and Visioning Community Value Statements~~ have been addressed by the emphasis on incentives including transfer of development rights rather than downzoning. The Fiscal Impact section of the CWPP has been addressed by providing urban growth areas in the county, providing for economic development opportunities in the eastern portion of the county, and addressing fiscal impact in interlocal agreements with cities.

The Citizen Participation goals of both the Growth Management Act and the County-Wide Planning Policies have been addressed in the development of this chapter through ~~Whatcom County: The Next Generations Visioning Process (see Appendix C), the Whatcom 2031 visioning process,~~ citizen committee participation, town hall meetings, and public hearings. Also, specific goals and ~~policies~~ actions give direction for property owner notification and the establishment of on-going citizen committee input.

The Land Use chapter also incidentally addresses and is coordinated with many others of the County-Wide Planning Policies.

Overall Land Use

Introduction

Purpose

The purpose of this section is to provide a broad, general direction for land use policy in Whatcom County. It is the foundation upon which all of the subsections of the Land Use chapter are based. ~~It sets direction for the subsections and provides a mechanism of measurement for consistency for readers.~~

Process

The Land Use chapter was developed to address future land use in Whatcom County in accordance with Section 36.70A.070 of the Growth Management Act. It represents the county's policy plan for growth over the next twenty years. The Land Use chapter implements many of the goals and objectives in the other plan chapters through adopted land use designations and other action recommendations.

The Land Use chapter was also developed in accordance with the County-Wide Planning Policies ~~and the Whatcom County: The Next Generations and Whatcom 2031 Visioning recommendations and community value statements~~, and was integrated with the other plan chapters to ensure consistency throughout the comprehensive plan. The Land Use chapter considers the general distribution and location of land uses, the appropriate intensity and density of land uses given current development trends, and the provision of public services.

~~The root of the Land Use chapter is the Whatcom County: The Next Generations Visioning Recommended Land Use Alternative. An appointed group of citizens designed and implemented a public process to give people the opportunity to express their views, criticisms, and concerns. Through an extensive series of surveys and town hall meetings, a set of value statements for Whatcom County were drafted. These statements and the overall county vision are being re-evaluated as part of the Whatcom 2031 visioning workshops that occurred in the fall of 2008 and subsequent comprehensive plan update. The final Preferred Land Use Alternative, based on citizen input gathered throughout the Whatcom 2031 process during Phase I, was a conceptual depiction of the community vision which guided the development of the Land Use chapter.~~

GMA Requirements

Section 36.70A.070 of the Growth Management Act requires that the comprehensive plan of a county include a land use element which designates proposed general distribution and general location and extent of the uses of land,

where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. It is required to include population densities, building intensities, and projections of future population growth. Building intensity can be described in terms of such variables as lot coverage, building height, and the spacing between buildings and property lines and between buildings and other structures. The GMA also states that the goals and policies of the Shoreline Management Program are considered elements of the Comprehensive Plan (RCW 36.70A.480).

Background Summary

Most of the non-federal land in unincorporated Whatcom County is dedicated to forestry and agricultural uses. The next largest category of land use is residential. Much smaller areas of the county are dedicated to industrial, commercial, and other uses.

The goal of growth management is to provide sufficient land area with adequate facilities and utilities either presently available or economically feasible to accommodate future growth. This means having an adequate distribution of land to provide housing, services, jobs, and resource land for the expected population. Whatcom County has almost 790 square miles of area outside of National Park and National Forest, which will accommodate the expected increase in population ~~of 56,755 people~~ over the 20-year planning period in Whatcom County. However, this growth must be accommodated in ways that achieve desired land use goals.

An adequate supply of serviced industrial and commercial land must also be provided to accommodate the projected increase in employment. ~~It is expected that an increase of approximately 33,188 new non-agricultural related jobs will be created in the next twenty years.~~

A key need for meeting land demands to generate family wage employment is land that is "ready to go" for industrial development. Most-Many potential industrial employers seeking to locate in Whatcom County require large tracts of land where the infrastructure and site improvements are already in place. This is a major missing element of the industrial land supply.

It is important to assess the demand and supply of land planned and zoned for various types of uses to meet the economic needs of the county, as well as utilize this information to guide policy decisions regarding land use. The multiplicity of values reflected in the vision statements ~~s~~ must all be considered, in addition to the competing goals and policies in other chapters of the comprehensive plan. Having adequate residential lands must include adequate provision of services, and it means densities that meet the mandates of the Growth Management Act to prevent urban sprawl as well as reflecting the desires of Whatcom County residents. Industrial lands should be provided in areas that have access to transportation routes and adequate infrastructure and can meet the demands of market trends.

Commercial areas should also be located so as to provide the kinds of goods and services that meet the needs of local residents with consideration given to market-driven forces. Sufficient urban land must be provided to accommodate growth. Rural areas with a range of densities must also be available. All of this needs to be done in light of those aspects of the county which are most valued: water quality, productive agricultural land, economic development in rural areas, distinct boundaries between rural and urban areas, and predictability in land use plans.

Issues, Goals, and Policies

Issues for this section were drawn from ~~those identified in the Growth Management Act and public participation. Whatcom County: Next Generations Visioning Process and reinforced during the Whatcom 2031 visioning process. Numerous meetings, surveys/questionnaires and other methods were used to identify what was important to people in Whatcom County.~~

Accommodating Growth

~~The Growth Management Act requires, and the Vision statement~~Community Value Statements encourages, concentrating growth in ~~the~~ urban growth areas. This allows for efficient provision of services and preservation of rural areas as quiet, open spaces where development pressures are not such that extraordinary regulations must be imposed. A distinct boundary is needed between rural and urban areas, discouraging sprawl, maintaining desired rural lifestyles, and conserving agricultural land.

Goal 2A: Ensure ~~designationprovision~~ of sufficient land and densities, with consideration of water availability, to accommodate the growth needs of Whatcom County and protect the local economy, rural lifestyle, habitat, fish, and wildlife, which are the cornerstone qualities that make the county a desirable place to live.

Policy 2A-1: Concentrate urban levels of development within designated urban growth areas.

Policy 2A-2: Draw a distinct boundary between urban and rural uses.

Policy 2A-3: Provide a range of land uses ~~s designations that which~~ considers locational and market factors as well as required quantities of land.

Policy 2A-4: Designate land uses that reflect the best use of the land.

Policy 2A-5: Provide predictability to property owners in land use designation.

- 1 Policy 2A-6: Allow appropriate development in existing small self-contained
2 communities through the use of the "Rural Community" land use
3 designation.
- 4 Policy 2A-7: Establish sufficient levels of developable residential, commercial,
5 and industrial lands informed by approved population and
6 economic forecasts, inventory of existing use, land capacity
7 outside of critical areas and buffers, cost of infrastructure,
8 legally available water, and goals and policies of all chapters of
9 this plan. Provide sufficient and appropriately located
10 residential, commercial, and industrial lands.
- 11 Policy 2A-8: Include business/industry parks, tourist/resort areas, and
12 allowance for existing crossroads commercial areas within urban
13 growth areas or limited areas of more intensive rural
14 development.
- 15 Policy 2A-9: Retain existing rural and heavy industrial areas in the
16 northwestern region of the county within urban growth areas or
17 limited areas of more intensive rural development.
- 18 Policy 2A-10: Recognize the importance of tourism and its influence on the
19 need for land for various types of development.
- 20 Policy 2A-11: Ensure that the development potential of contiguous lands in
21 common ownership is not compromised when urban growth
22 boundaries and/or LAMIRD boundaries are designated. This
23 should be accomplished without expanding UGA boundaries
24 beyond that ownership and without bridging natural divisions of
25 urban/rural land uses such as roads, rivers, and other natural
26 features.
- 27 Policy 2A-12: Adoption of residential, industrial, and commercial
28 comprehensive plan or zoning designations in rural areas must
29 comply with the criteria for "limited areas of more intensive
30 rural development" in the Growth Management Act (RCW
31 36.70A.070(5)).
- 32 Policy 2A-13 Allow for adequate economic development to provide economic
33 sustainability, adequate employment opportunities, and services
34 in and for the rural areas.
- 35 Policy 2A-14: Strive to establish by December 2017 a clear, predictable, and
36 fair process for allowing expansion of urban growth areas that
37 considers reasonable measures to mitigate the impacts of
38 residential development in rural lands, agricultural areas

(broadly defined), and sensitive watersheds. This process should include:

1. Consultation with a focus group of potential TDR/PDR users in the building industry.

2. Convening a multi-stakeholder work group, including the Cities, tasked with:

- Reviewing the current TDR and PDR programs.
- Identifying political, financial, and regulatory barriers to effective TDR and PDR programs.
- Identifying opportunities and solutions for creating a workable TDR program.
- Identifying mechanisms to create a PDR fund that could be used to protect important agricultural and rural lands.
- Recommending policy and regulatory amendments necessary to implement the above policy.
- Identifying proposed sending areas in critical areas, the Agricultural Zone, and the Rural Study Areas.
- Identifying receiving areas.
- Identifying other factors and/or growth management tools.
- Exchangeable development rights that have economic value, with the potential for multiple methods of assigning and converting value.
- Interlocal agreements that grant economic value to exchangeable development rights and that insure development rights can be used in receiving areas.

3. Based upon the findings of the multi-stakeholder work group, consider strategies that could require purchase, transfer or otherwise incentivize removal of potential development rights from rural or resource lands in exchange for UGA expansions and other upzones.

Policy 2A-15 Strive to improve predictability to property owners regarding the connection between legal water use, and land use and development by:

- Supporting completion of groundwater studies that provide a better understanding of water quantities available and the connection between groundwater use and in-stream flow levels.
- Supporting the efforts of water purveyors to develop new legal water sources and the infrastructure and systems necessary to transport that water to existing water users that lack safe potable water or sufficient water rights.
- Encouraging a negotiated water rights quantification and settlement between the Lummi Nation, Nooksack Indian Tribe and other water users in the Nooksack River basin.
- Encouraging the Department of Ecology to protect instream flows, particularly in times of extremely low summer flows.
- Coordinating with the Department of Ecology to find solutions to provide adequate water for out-of-stream users while protecting in-stream flows. Potential solutions may include consideration of recycling, conservation, water banking, public water system interties, stream recharge augmentation, change in place of use, desalinization and other alternative water supply measures.
- Requesting the Department of Ecology to create a water management plan for exempt wells in closed water basins that better aligns in-stream flows with current water rights and legal decisions on hydraulic continuity.

Resort Communities and Master Planned Resorts

The County's resort areas are important to the economic viability of the County's tourist industry and provide numerous and varied recreational opportunities for county residents and visitors. Historically important resort areas include Birch Bay, Point Roberts, the Semiahmoo area, and the Mount Baker winter recreational area. Resort communities provide recreational opportunities for residents of the surrounding areas.

Goal 2B: Encourage the continued viability of existing resort communities and allow the development of new Master Planned Resorts in the future.

Policy 2B-1: Permit through the planned unit development process master planned resorts in settings of significant natural amenities within urban growth areas.

Policy 2B-2: New large-scale resort development in rural areas outside of UGAs and outside established resort areas, should only be permitted as Master Planned Resorts and only when

- 1 substantially in compliance with these policies and with RCW
2 36.70A.360.
- 3 Policy 2B-3: Work with property owners in the resort communities to develop
4 an understanding of the unique needs of these areas and
5 evaluate land use regulations for their responsiveness to these
6 needs.
- 7 Policy 2B-4: New resort development and Master Planned Resorts should be
8 developed consistent with the development regulations
9 established for critical areas.
- 10 Policy 2B-5: No new urban land uses should be allowed in the vicinity of
11 Master Planned Resorts, except in areas otherwise designated as
12 urban growth areas under the Comprehensive Plan.
- 13 Policy 2B-6: Capital facilities, utilities, and services, including those related
14 to sewer, water, storm water, security, fire suppression, and
15 emergency medical, provided on-site shall be limited to meeting
16 the needs of the master planned resort. Such facilities, utilities,
17 and services may be provided to a master planned resort by
18 outside service providers, including municipalities and special
19 purpose districts, provided that all costs associated with service
20 extensions and capacity increases directly attributable to the
21 master planned resort are fully borne by the resort. A master
22 planned resort and service providers may enter into agreements
23 for shared capital facilities and utilities, provided that such
24 facilities and utilities serve only the master planned resort or
25 urban growth areas.
- 26 Policy 2B-7: Master Planned Resorts should only include other residential
27 uses within ~~its-their~~ boundaries if residential uses are integrated
28 into and support the on-site recreational nature of the resorts.
29 The density of such residential uses should be consistent with
30 density requirements of the ~~zoning code.planned-unit~~
31 ~~development regulations.~~
- 32 Policy 2B-8: Master Planned Resorts should only be approved when it can be
33 demonstrated that on-site and off-site impacts to public services
34 and infrastructure have been fully considered and mitigated.
- 35 Policy 2B-9: Master Planned Resorts should not be located on designated
36 agricultural lands. Master Planned Resorts should not be located
37 on forestry resource lands designated under the Comprehensive
38 Plan.

39 Capital Facilities

There should be a relationship between provision of services and land use designations. Levels of service need to be set that will assure adequate services within realistic financing capabilities. This needs to be balanced against the amount of funding which taxpayers are willing to support.

Goal 2C: Channel growth to areas where adequate services can be provided.

Policy 2C-1: Coordinate capital facilities and land use planning.

Policy 2C-2: Support the comprehensive plan with capital facility plans that facilitate urban growth in UGAs at acceptable urban levels of service.

Policy 2C-3: Preclude urban development within a UGA until public services and facilities are available.

Policy 2C-4: Prior to modifying growth allocations or UGA boundaries, ensure that capital facility plans address the following elements:

- Provide a 20-year facility plan to serve urban growth within the UGA boundaries.
- Provide financial plans addressing at least a 6-year period with funding sources.
- Address existing un-served areas as well as new UGA expansion areas.

~~Policy 2C-5: Where public facility and service plans are not consistent with the Comprehensive Plan, allow for reconciliation of the public facility and service gaps as part of the 7-Year Review scheduled for completion in 2011. Reconciliation steps will include:~~

- ~~• Consistency Analysis. The County and cities will review capital facility plans for consistency with the results of the most recent 10-Year UGA Review process and current comprehensive plans. Capital facility plan consistency means demonstrating the ability to serve the proposed growth levels, growth boundaries, and land use patterns established in the Whatcom County Comprehensive Plan.~~
- ~~• Government and Special District Coordination. The County will coordinate with city, special district, and other service providers to ensure amendments to capital facility plans support the Comprehensive Plan.~~
- ~~• Public Participation. The County Comprehensive Plan update process will be based on a public participation program that~~

~~addresses citizen input on the key issues associated with the update.~~

- ~~• Amendment. Only those portions of capital facility plans in conflict with the Comprehensive Plan are required to be amended. Local issues of concern or changed conditions may be addressed.~~
- ~~• Refined Growth Levels and Boundaries. Where the planning process results in refined recommendations for growth levels, growth boundaries, land uses or other essential features, corresponding capital facility plan amendments will be considered in conjunction with the 7-Year Review process.~~

Regulations

It is very important to Whatcom County citizens to maintain local control over land use decisions. ~~At the same time some people want to see regulations streamlined and reduced.~~ Regulations should be clear, concise, and predictable with enough flexibility to allow for reasonable and efficient decision-making. Regulations should be enforced. ~~People would like to see an~~ Promote and maintain incentive programs to encourage land to be used in ways that meet community goals.

Goal 2D: Refine the regulatory system to ensure accomplishment of desired land use goals in a fair and equitable manner.

Policy 2D-1: Eliminate unnecessary regulations.

Policy 2D-2: Eliminate regulations that could be more effectively achieved through incentive or education programs.

Policy 2D-3: Streamline development regulations to eliminate unnecessary time delays.

Policy 2D-4: Coordinate permitting requirements among jurisdictions to minimize duplication and delays.

Policy 2D-5: Provide enforcement of regulations.

Policy 2D-6: Review and update the Whatcom County Shoreline Management Program in accordance with the schedule in the Shoreline Management Act (RCW 90.58.080).~~as the State issues new guidelines.~~ Updates should improve the integration of the Shoreline Program with Growth Management and with the Cherry Point Aquatic Reserve Management Plan in order to provide predictability and consistency in regulation, and eliminate regulatory redundancy.

Policy 2D-7: Incompatible uses will be discouraged adjacent to public use airports to preserve the safety and efficient use of these airports. Incompatible uses are land uses that:

- Could be impacted by airplane noise;
- Could create or be impacted by airplane accidents; or
- Create height hazards that could adversely impact aircraft that are taking off or landing.

Policy 2D-8: Require disclosure of potential airport noise impacts to people who are buying or obtaining a permit on property within one mile of a public use airport.

Policy 2D-9: Land uses that are incompatible with the operation of the Bellingham International Airport or Lynden Airport should be discouraged when Whatcom County evaluates conditional use permits and rezones. Specifically, Whatcom County should follow the process set forth below when considering whether proposed conditional use permits and rezones would allow incompatible land uses:

- Notify the applicable airport representative of the proposed conditional use permit or rezone. Consider comments submitted by the airport representative relating to compatibility of the proposed land use with the operation of the airport; and
- Determine whether the proposed conditional use or rezone is within zone 1 (runway protection zone), zone 2 (inner approach/departure zone), zone 3 (inner turning zone), zone 4 (outer approach/departure zone), zone 5 (sideline zone), or zone 6 (traffic pattern zone) as shown ~~on~~in the Safety Compatibility Zone Examples from the *California Airport Land Use Planning Handbook* (Shutt Moen Associates, January 2002, p. 9-38). Safety compatibility zone “example 1” will be applied to the Lynden Airport and safety compatibility zone “example 3” will be applied by the Bellingham International Airport; and
- Compare any proposed or potential land uses within zones 1 through 6 with the Basic Safety Compatibility Qualities and the Safety Compatibility Criteria Guidelines in the *California Airport Land Use Planning Handbook* (Shutt Moen Associates, January 2002, pp. 9-44, 9-45 and 9-47) and identify incompatible land uses.
- The above provisions of Policy 2D-9 do not apply to property owned by the airport. However, airport owners should assess

- 1 the compatibility of land uses proposed on airport property
2 with operation of the airport.
- 3 Policy 2D-10: Discourage tall structures around public use airports that
4 hamper the efficient and safe use of navigable airspace.
5 Specifically, discourage structures from exceeding the height of
6 the imaginary surfaces defined in Federal Aviation Regulations
7 (FAR) Part 77 around airports that have mapped such imaginary
8 surfaces (airports that have mapped Part 77 imaginary surfaces
9 are shown in Appendix I of the Whatcom County Comprehensive
10 Plan).
- 11 **Goal 2E:** Encourage both a stewardship ethic and respect for
12 cultural resources and natural systems and processes as
13 well as~~and~~ **support individual responsibility to achieve**
14 **community values.**
- 15 Policy 2E-1: Provide education on the assets of the community and offer
16 incentives for individual citizens to take responsibility to protect
17 those assets.
- 18 **Goal 2F:** Make use of incentive programs that can effectively~~Give a~~
19 high priority to the use of a comprehensive incentive
20 program to **encourage achievement of land use goals.**
- 21 Policy 2F-1: Develop a set of incentives, including economic, which
22 encourages property owners to achieve land use goals.
- 23 Policy 2F-2: Base incentive programs on suggestions from citizens,
24 government officials, and experts in the field.
- 25 Policy 2F-3: Revise regulations to include incentive programs.
- 26 Policy 2F-4: Review and adopt, where appropriate, incentive programs such
27 as cluster density bonuses in urban growth areas, purchase of
28 development rights, transfer of development rights, and tax
29 deferrals.
- 30 Policy 2F-5: Monetary compensation as an economic incentive shall be based
31 only on market value at the time of compensation, not on
32 "possible" future value of the land.
- 33 Policy 2F-6: Monitor incentive programs on a five-year basis to ensure the
34 comprehensive plan goals are being achieved. Develop an
35 alternate approach if necessary, using adaptive management
36 steps to effect compliance with individual programs.

~~Policy 2F-7: Establish a transferrable development rights (TDR) sending area in the Drayton Harbor Watershed.~~

Public Participation in Decision-Making

~~People in Whatcom County want to be involved in government decision-making. They want government to be responsive; they want to be personally notified of changes; they want their input considered. People also want to see more issues subject to a vote.~~

Goal 2G: Encourage citizen participation in the decision-making process.

Policy 2G-1: Examine and improve methods to notify affected property owners of proposed land use changes.

Policy 2G-2: Ensure early and continuous public involvement in planning decisions through development and implementation of public participation plans for large-scale, long-range planning activities.

Property Rights

Property rights are an important issue in Whatcom County. ~~People want to use their land as they wish.~~ Land can be used as desired as long as it doesn't conflict with the rights of others. It is not necessary for the preservation of property rights and protection of the environment and resources to conflict with one another. People are looking for ways to achieve all of these things. They understand that it is important to protect the community's general interest.

Goal 2H: Preserve private property rights while recognizing the importance of the rights of the community, including protecting the natural environment and conserving resources.

Policy 2H-1: Review and retain regulations that serve to protect the public welfare, health, and safety.

Policy 2H-2: Establish incentive programs such as cluster density bonuses in urban growth areas, purchase of development rights and voluntary, workable transfers of development rights, where appropriate, to compensate property owners ~~when-if~~ rights are unduly infringed ~~upon~~.

Policy 2H-3: Provide information to the public as to government's role and responsibility in relation to property rights.

Diverse Cultural Composition

~~It is recognized that~~ Whatcom County is becoming more diverse and ~~people understand that~~ accepting this diversity is important.

Goal 2J: Encourage individuals to honor and respect~~accept~~ cultural diversity in our community.

Policy 2J-1: Encourage the preservation of cultural resources.

Policy 2J-2: Ensure that land use policies are not discriminatory.

Policy 2J-3: Cooperate with Tribal governments to ensure local traditions are respected in all land-use decisions.

Policy 2J-4: Protect culturally and spiritually significant places from non-essential development that is viewed as incompatible by the affected community.

Flooding

Flooding of rivers and streams in Whatcom County is a natural event due to the combination of climate, geology, and topography present in the region. Two major floods occurred in 1989 and 1990 along the Nooksack River, with damage estimates running over \$20 million for 1990 alone. The cities of Nooksack, Everson, Sumas, and Ferndale are often flooded by the Nooksack. ~~A major study and plan for managing flood hazards on the lower Nooksack, entitled the Lower Nooksack River Comprehensive Flood Hazard Management Plan, was completed in October 1999.~~ Flood damage can also occur along smaller streams in Whatcom County, especially on those streams associated with alluvial fans.

The majority of the Nooksack River floodplain is currently used for agricultural purposes. Residential density within the floodplain is low; however, several major transportation routes cross the floodplain and ~~may behave been~~ temporarily closed during periods of flooding. Increased building development within the floodplain, and especially within the floodway where flood water velocity can be great enough to sweep away structures, could heighten the existing level of flood hazards along the Nooksack. Development on alluvial fans can also increase flood hazards. *Chapter 11: Environment*, contains more detailed discussion of flood issues, as well as goals and policies for managing flood hazards in Whatcom County.

Goal 2K: Discourage development in areas prone to flooding.

Policy 2K-1: Limit lands in one-hundred year floodplains to low-intensity land uses such as open space corridors or agriculture.

Policy 2K-2: Use the Lower Nooksack River Comprehensive Flood Hazard Management Plan as a basis to balance land use and flooding.

Policy 2K-3: Prohibit expansion of urban growth areas into floodplains, except where allowed under the GMA, and consider danger to individuals related to flooding when designating land use in other areas.

Policy 2K-4: Encourage multi-purpose problem solving relative to flooding, aquifer recharge, improved water quality, water for human consumption, and fish habitat. Consider the purchase of land along the Nooksack River for flood water storage that could be utilized by cities and water providers.

Policy 2K-5: Development in flood prone areas must comply with adopted regulations to mitigate identified flood hazards.

Regions of Whatcom County

Not all parts of Whatcom County have the same available resources and land use options. A one-size-fits-all approach to comprehensive planning may not adequately serve the needs of different regions of the county.

~~Whatcom County is a large and diverse county. People living in different parts of the county have different priorities and understanding of what constitutes rural and urban lifestyles. It is important to citizens to emphasize these regional differences.~~

Goal 2L: Recognize the important regional differences within Whatcom County.

Policy 2L-1: Use the subarea planning process, where appropriate, to identify and support distinctions among different areas of the county.

Policy 2L-2: Retain and periodically review the adopted Subarea Plans (Lummi Island, Cherry Point-Ferndale, Urban Fringe, Birch Bay Community Plan, Foothills, and Point Roberts). ~~Subarea Plans represent a long history of plan development in Whatcom County and provided the foundation for the county's first Growth Management comprehensive plan adopted in 1997.~~

1. Utilize a process which ensures consistency between the Whatcom County Comprehensive Plan and subarea plans. The subarea plan review process should include the following steps:

- a. Consistency Analysis. The County should review subarea plans based on the priority order in subsection "2" for gaps, overlaps, or inconsistencies. Topics include, but are not limited to, plan boundaries, growth forecasts, land uses, capital facilities and services, horizon year, and other appropriate issues.

- b. Regional and Local Government Coordination. The County should consult and coordinate with cities where city-associated UGAs are included in subarea plan boundaries.
 - c. Public Participation. Each subarea plan update process will be based on a public participation program that addresses citizen input on the key issues associated with the subarea plan update.
 - d. Subarea Plan Amendment. Only those portions of existing subarea plans in conflict with the Comprehensive Plan are required to be amended. Local issues of concern or changed conditions may be addressed.
 - e. Comprehensive Plan Revisions. Where the subarea plan process recommends growth levels, growth boundaries, or other essential features, Comprehensive Plan amendments will be considered in conjunction with the subarea plan update process. Land capacity analysis may also be updated if appropriate.
2. Prioritize review of subarea plans. Subarea plans should be reviewed in the following order.
 - a. Post-GMA Subarea Plans addressing UGAs. These subarea plans should be reviewed and amended, if necessary, during Whatcom County's periodic review of the comprehensive or repealed. Subarea plans addressing UGAs associated with a city should be coordinated with the city's comprehensive plan update process.
 - b. Post-GMA Subarea Plans addressing Rural Areas. These subarea plans should be subject to a consistency review. If significant inconsistencies are found, these should be considered for potential update during Whatcom County's periodic review of the comprehensive plan or repealed. Minor updates may be considered through the County's docket process in subsequent years.
 - c. Pre-GMA Subarea Plans. These should be repealed or updated in accordance with County department work programs or the docketing process. Priority criteria may be used to determine the order of update. Example criteria include:

- i. whether update is needed for health, safety, or welfare concerns;
- ii. whether there is a city-associated UGA included in the subarea plan boundaries – in which case, the subarea plan update could be timed to be developed in association with or following city comprehensive plan update process;
- iii. whether the subarea plan would benefit from broader policy concepts to be completed in advance or in tandem, such as agricultural land protection measures;
- iv. whether a significant policy objective would be met by amending the plan.

In the event there is an inconsistency between a Subarea Plan and the Whatcom County Comprehensive Plan, the Whatcom County Comprehensive Plan shall prevail.

Policy 2L-3: Emphasize forestry uses with some provision for rural and agricultural uses in the south and southeastern regions of the county.

Policy 2L-4: Support the rural economic base by permitting natural resource based industries, cottage industries, forestry, fishing and agriculture in rural areas, as well as commercial and industrial activity contained within designated Rural Communities.

Policy 2L-5: Emphasize agriculture in the north central regions of the county.

Fish and Wildlife

Whatcom County has historically enjoyed abundant and diverse fish and wildlife populations. ~~However, the combined effects of habitat reduction or degradation, fish harvest, hydropower development, hatchery management practices, and variations in natural conditions are now causing the decline of some of these populations.~~ Maintaining healthy fish and wildlife populations is a vital goal in maintaining the quality of life in Whatcom County. Chapter 11: Environment, contains additional discussion of fish and wildlife issues, as well as goals and policies regarding fish and wildlife habitat protection and management.

Goal 2M: Protect and encourage restoration of habitat for fish and wildlife populations including adequate in-stream flows.

Policy 2M-1: Ensure that new land uses do not degrade habitat of threatened and endangered species.

Policy 2M-2: Ensure that existing land uses do not cause further degradation of habitat for threatened and endangered species.

Policy 2M-3: Develop educational tools and incentives to encourage existing land uses to restore degraded habitat to properly functioning conditions, especially for threatened and endangered species.

Policy 2M-4: ~~Place a note on a~~All permits issued by the County for clearing or development activity within ¼ mile of the documented habitat of threatened or endangered species, as shown on the County Fish Distribution Map, shall include notice to alerting the property owner ~~of~~ the presence of these species.

Policy 2M-5: Require subdivisions and short plats to be designed in a manner to protect fish habitat and water quality when a fish bearing stream or river passes through the site.

Policy 2M-6 Engage the Wildlife Advisory Committee to develop recommendations of critical habitat and species protection areas, and for a system to monitor the status of fish and wildlife habitat function.

Policy 2M-7 Engage in efforts to better define ground water resources and connection to surface water, current water usage, water rights, adequate in-stream flows, and policy barriers that create conflicts between these things.

Urban Growth Areas

Introduction

This section presents policies, map designations and rationale for the urban growth areas for Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack, Sumas, Birch Bay, Columbia Valley, and Cherry Point. **Map 2-18** shows designated urban growth areas.

Purpose

The Growth Management Act requires the designation of urban growth areas (RCW 36.70A.110). These areas ~~are to~~ include cities and other areas characterized by urban growth or adjacent to such areas, and are ~~to be~~ designed to accommodate the projected population growth for twenty years. Any growth that occurs outside the areas cannot be urban in nature. The Act further specifies that urban growth should, first, be located in areas that already have adequate existing public facilities and service capacity and, second, in areas where such services if not already available, can be served adequately by a combination of both existing public facilities and ~~serves~~ services and any additional public facilities and services that are provided by either public or private sources.

The purpose of this section is to establish areas within the County where growth will be directed. The boundaries, as defined, are an attempt to concentrate growth and provide urban areas in accordance with expected growth needs while ensuring the county's identified values to preserve private property rights and reduce unnecessary regulations.

Process

Planning staff worked with representatives from each city ~~through the Growth Management Coordinating Council~~ to develop the methodologies, policies, forecasts and allocations for each urban area. Each city was asked to submit a proposed Urban Growth Area, along with growth allocation requests, for the County to consider. Following receipt of those requests, the County Council held a public hearing before developing a response to city proposals and final action.

~~Urban Growth Areas~~ — Background Summary

Each city provided information in their comprehensive plans, in work sessions with planning staff, and at public hearings and work sessions before the County Council to provide the data and assumptions used as a guide in setting Urban Growth Area Boundaries. The comprehensive plans for each city and the written and oral input provided by them at the public hearings and work sessions serve as background for establishing UGAs. The cities worked with Whatcom County staff to develop a single methodology for analysis of the urban land capacity within the County. Such variables as, average population per household, occupancy, residential and employment densities, infrastructure requirements, natural systems and critical areas constraints, ownership and development trends, and appropriate market factors to assure adequate supply and affordable housing were considered.

~~Urban Growth Areas~~ — Issues, Goals, and Policies

Overall

The Growth Management Act assigns the responsibility of designating urban growth areas to counties. Growth is to be encouraged within urban growth areas and discouraged outside them. Urban Growth Areas are set in accordance with the policies established in Chapter 36.70A RCW and applicable ~~regulations~~county-wide planning policies. ~~The County should work with cities to ensure that comprehensive plans are coordinated and consistent. Specific consideration is given to approved comprehensive plans for the municipalities and their supporting justification.~~ Modifications have been incorporated into this plan during the ~~10-year~~ UGA review based upon several criteria:

- The need to assure logical service boundaries,
- The need to avoid isolated pockets or abnormally irregular boundaries,
- Consideration of land ~~needs and~~ capacity analysis of residential, commercial and industrial needs within urban areas, and

- Identification of special needs with respect to unique non-city industrial sites (~~such as~~ Cherry Point), and County areas for which the County will actively support incorporation as appropriate (~~such as~~ Birch Bay, or Columbia Valley).

County-Wide Planning Policies set guidelines for designating city urban growth areas including:

- Small cities' UGAs shall be of an adequate size to allow them to become viable economic centers.
- The size of cities' UGAs shall be consistent with their ability to provide services.
- UGAs shall include contiguous areas with urban characteristics and zoning.
- Sufficient land shall be provided within UGAs to accommodate the 20-year urban growth projection, plus a reasonable land supply market factor.
- Setting of UGAs shall minimize impacts on agricultural land, forestry, mineral resources, watersheds, water resources, and critical areas. Cities should absorb additional population at appropriate urban densities before expanding into areas where growth would adversely impact critical areas or resource lands.

- ~~Short Term Planning Areas (STPA's) are used as a tool for facilitating provision of urban levels of services and to prevent sprawl within the Urban Growth Area (UGA).~~

~~Areas within the STPA's have provided the minimum level of urban facilities and services, including sanitary sewer, water service, police protection, fire protection and emergency medical services, parks and recreation programs, solid waste management, electric service, land use controls, communication facilities and public schools, to support urban levels of development. A full range of services would add urban public transit, natural gas, storm drainage facilities, street lighting, libraries, local parks, local recreation facilities and services, and health services.~~

~~The Short Term Planning Area (STPA) is designed to promote urban levels of density and cost-effective provision of services and avoid sprawl. The STPA will be adopted as a zoning overlay and can be reviewed and changed anytime during the year. It would not require an amendment to the Comprehensive Plan.~~

In deciding appropriate ways to manage land within urban growth areas, there are some overriding guidelines ~~suggested~~ in the Growth Management Act and, County-Wide Planning Policies.

GMA requires counties to include areas and densities sufficient to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period. Urban growth should be first located in areas already characterized by urban growth that have existing public facility and service capacity to serve such development, second in areas already characterized by urban growth that will be

served by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources.

County-Wide Planning Policies require establishment of interlocal agreements between the county and cities to manage development within urban growth areas until annexation takes place. Factors to be addressed in these agreements include a mechanism to compensate jurisdictions that suffer revenue losses without attendant reductions in service delivery demands, and mitigation for activities related to development. It should be assured that utilities can be delivered at urban levels of service within city urban growth areas.

Timing of required improvements and who pays for these improvements within urban growth areas are issues to be addressed between the county and cities. This is particularly difficult when costly transportation improvements are required within an urban growth area prior to annexation by a city. Transportation planning for Whatcom County assumes that costs and installation of the improvements would be completed by the city associated with the urban growth area. In the case of Bellingham where some growth will continue to occur prior to annexation, this may need to be negotiated.

Areas within designated urban growth areas which are not yet ready for urban levels of density can become a problem if they are allowed to develop at low densities. ~~because a suburban-l~~and use patterns can become established that will disrupt later in-filling at urban densities. Other areas have environmental constraints such as flood plains and sensitive watersheds which would dictate using lower densities.

~~County-Wide Planning Policies call for the county to become a government of rural areas that encourages growth to occur primarily within cities and designated Urban Growth Areas.~~

Outside urban growth areas, the presence of urban levels of services can put financial pressure on rural areas to develop more densely than desired. County-Wide Planning Policies restrict cities from delivering urban levels of water and sewer service for urban uses outside urban growth areas.

The Growth Management Act requires that the County plan for a 20-year population growth that is within the range projected by OFM unless the County has studies to prove that a different figure is justified. ~~The current 2029 OFM projection for Whatcom County ranges from a Low projection of 216,300 people to a Medium projection of 258,448 people and a High projection of 318,832 people. The County's population projection figure of 247,755 is within OFM's range and therefore requires no further justification. Due to the imprecise nature of growth forecasts, and due to the fact that Whatcom County will within two years (by 2011) review and update the comprehensive plan, the growth allocations are expected to remain the same for the 2029 to 2031 planning horizon years.~~

- 1 **Goal 2N:** ~~Establish-Within~~ Urban Growth ~~Areas,Boundaries~~ outside
 2 present city limits, ~~within-which~~ the County will maintain
 3 jurisdiction until annexation or incorporation of the
 4 property. During this interim period the following policies
 5 shall be in place to assure that the purposes of this plan
 6 and growth management are in fact accomplished.
- 7 Policy 2N-1: Establish urban growth areas for cities, first, by determining the
 8 capacity of the existing city limits to accommodate growth in the
 9 20 year planning period. If it is determined that additional land
 10 is needed to accommodate the projected allocated growth, or to
 11 meet other goals of the GMA, then include contiguous areas
 12 which have urban characteristics; and, finally, by including
 13 other suitable areas that demonstrate the ability to provide
 14 adequate public facilities and services at urban levels of service
 15 to accommodate growth.
- 16 Policy 2N-2: Re-evaluate UGA boundaries when significant changes in city
 17 land uses are proposed.
- 18 Policy 2N-3: Consider cities and ~~UGAs~~~~Short-Term Planning Areas~~ as receiving
 19 areas for development rights transferred from sending areas.
- 20 Policy 2N-4: Ensure that cities or other service providers do not extend sewer
 21 or urban levels of water service to serve ~~new~~ areas ~~of urban~~
 22 ~~densities~~ outside urban growth areas except when necessary to
 23 protect basic public health and safety and the environment and
 24 when such services are financially supportable at zoned
 25 densities and do not permit urban development,unless
 26 emergency or health hazards exist.
- 27 Policy 2N-5: Protect resource lands by controlling or buffering adjacent uses
 28 and encouraging increased densities within existing city
 29 boundaries before expanding into county resource lands.
- 30 Policy 2N-6: Encourage provision of serviced industrial sites by cities.
- 31 Policy 2N-7: Consider mixed-use zoning, where appropriate, to encourage
 32 walkability. Encourage interlocal agreements to be in place prior
 33 to annexation to address issues such as timing, logical service
 34 areas, and economic balance between commercial, industrial,
 35 residential and other lands within the UGA.
- 36 **Goal 2P:** ~~Encourage Bellingham to establish new residential~~
 37 ~~developments at densities averaging six to twenty four~~
 38 ~~units per net residential acre; encourage Ferndale to~~
 39 ~~establish new residential developments at densities~~

~~averaging five to ten units per net residential acre; encourage Lynden to establish new residential developments at densities averaging five to ten units per net residential acre; and encourage remaining smaller cities to establish new residential development at average densities of four units per net residential acre, while respecting unique characteristics associated with each city.~~

Whatcom County seeks to support and encourage the cities in efforts to increase residential densities within their jurisdictions throughout the planning period, as a way to increase vitality, reduce the cost of services, manage outward growth, and protect the environment. The County encourages cities to approve new residential developments at city-wide average net densities as shown below, while respecting unique characteristics of each city:

- Bellingham – six to 24 units per net acre;
- Ferndale – six to 10 units per net acre;
- Lynden – six to 10 units per net acre;
- Blaine – four to six units per net acre;
- Everson - four to six units per net acre;
- Nooksack - four to six units per net acre; and
- Sumas - four to six units per net acre.

The County should approve new residential developments at overall average net densities as shown below, while respecting unique characteristics of each community:

- Birch Bay - five to ten units per net acre; and
- Columbia Valley - four to six units per net acre.

Policy 2P-1:

Encourage cities to adopt and implement policies and development regulations that promote urban densities. Ensure that cities have adopted mechanisms which will encourage densities at desired levels.

Policy 2P-2:

Consider natural limitations on the development capacity of land, such as critical aquifer recharge areas or floodplains, and other characteristics unique to each city, such as seasonal population or adjacent county urban zoning, in designating urban growth areas and densities.

- 1 Policy 2P-3: Encourage in-filling to occur in existing areas with urban
2 characteristics in a manner which is more harmonious with
3 existing neighborhood character.
- 4 Policy 2P-4: Encourage housing to develop with the greatest possible mix of
5 household incomes by utilizing such techniques as lot clustering,
6 varied lot sizes, small scale multi-family dwellings, and
7 responsible reductions in infrastructure requirements for
8 subdivisions.
- 9 **Goal 2Q:** **Ensure that development in the Birch Bay and Columbia**
10 **Valley Unincorporated Residential/Recreational Urban**
11 **Growth Areas ~~not associated with a City~~ is of an urban**
12 **level and proceeds in a logical and efficient manner.**
- 13 ~~Policy 2Q-1: Establish urban standards for development within~~
14 ~~Unincorporated Residential/Recreational Urban Growth Areas.~~
- 15 Policy 2Q-~~12~~: Ensure that service providers do not extend sewer or urban
16 levels of water service to serve ~~new areas of urban densities~~
17 outside urban growth areas ~~except when necessary to protect~~
18 ~~basic public health and safety and the environment and when~~
19 ~~such services are financially supportable at zoned densities and~~
20 ~~do not permit urban development, unless emergency or health~~
21 ~~hazards exist.~~
- 22 Policy 2Q-~~23~~: ~~Establish interlocal agreements with each~~ Work with urban
23 service providers located within ~~Unincorporated~~
24 ~~Residential/Recreational~~ Urban Growth Areas, ~~if appropriate, to~~
25 ~~coordinate urban service and facility planning with land use~~
26 ~~planning, which include provisions that address coordination and~~
27 ~~timing of service extensions.~~
- 28 ~~Policy 2Q-4: Provide planning assistance to Unincorporated~~
29 ~~Residential/Recreational Urban Growth Areas for the purpose of~~
30 ~~developing and implementing Comprehensive Community Plans~~
31 ~~to further define future uses and facilitate orderly urban~~
32 ~~development.~~
- 33 Policy 2Q-~~35~~: Encourage the establishment of an advisory committee for the
34 Birch Bay and Columbia Valley~~each Unincorporated~~
35 ~~Residential/Recreational~~ Urban Growth Areas to provide a
36 mechanism to interface with the County regarding their
37 respective community development issues.
- 38 ~~Policy 2Q-4: Provide planning assistance to citizens of the Birch Bay and~~
39 ~~Columbia Valley Urban Growth Areas for the purpose of~~

1		<u>developing and implementing Subarea or Community Plans to</u>
2		<u>further define future uses and facilitate orderly urban</u>
3		<u>development.</u>
4	Policy 2Q- 56 :	Encourage and assist <u>the citizens of Birch Bay and Columbia</u>
5		<u>Valley</u> Unincorporated Residential/Recreational Urban Growth
6		Areas with <u>incorporation</u> incorporation requirements when
7		appropriate.
8	Goal 2R:	Establish an interlocal agreement with each city which
9		sets out general guidelines to address revenue sharing,
10		the provision of services, management of growth,
11		annexation, delivery of services, protection of critical
12		areas, and designation of open space within urban
13		growth areas.
14	Policy 2R-1:	Include in interlocal agreements, a clear, predictable, and fair
15		formula for revenue sharing agreements which compensates
16		jurisdictions that suffer revenue loss without attendant
17		reduction in service demands as a result of annexation.
18	Policy 2R-2:	Establish procedures for development project review within
19		urban growth areas which protect the interests of both the city
20		and the county. Generally, city development standards and
21		adopted levels of service should be applied within urban growth
22		areas.
23	Policy 2R-3:	Responsibility for construction of capital facilities, including
24		transportation facilities to accommodate urban levels of growth,
25		generally, should be assigned to cities. In some cases, timing
26		may require installation of these improvements prior to
27		annexation. In these cases, interlocal agreements should
28		address allocations of costs and revenues between cities and the
29		county.
30	Policy 2R-4:	Limit development within urban growth areas with no municipal
31		sewer and water service through zoning at a density no greater
32		than one unit per ten acres.
33	Policy 2R-5:	Ensure that cities have done an adequate job of planning for
34		development within urban growth areas and have coordinated
35		this planning with the county including <u>Coordinate with cities on</u>
36		<u>UGA planning, facilitating urban development, balancing</u>
37		<u>commercial, industrial and residential lands in the UGA,</u> timing
38		of annexations, service extensions and link ingage of greenbelts
39		and open space.

- 1 Policy 2R-6: ~~Use the existing geographical information system and~~
 2 ~~Encourage its~~ use and ~~coordinate with~~ coordinate of the
 3 ~~existing geographical information system by the~~ cities ~~and the~~
 4 ~~county~~ to provide a consistent and economical data base for
 5 making land use decisions.
- 6 **Goal 2S:** **Ensure adequate land supply is provided to accommodate**
 7 **twenty years of growth within urban growth areas.**
- 8 Policy 2S-1: Review all urban growth areas at least every ~~eighteen~~ years ~~or~~
 9 in accordance with the Growth Management Act ~~adopted policies~~
 10 ~~in city comprehensive plans~~. Coordinate with cities to determine
 11 the population and employment growth projected to occur
 12 within the urban growth areas, and revise the urban growth
 13 area boundaries, if necessary, to ensure they are appropriately
 14 sized to accommodate the projected growth within the planning
 15 period.
- 16 Policy 2S-2 Ensure that land use plans provide for development at urban
 17 densities within the 20-year planning period.
- 18 Policy 2S-3 Facilitate phasing of development within urban growth areas as
 19 follows:
- 20 • Require at least ten acre minimum lot sizes within
 21 unincorporated portions of urban growth areas until public
 22 facilities and services are provided to serve such
 23 development at urban levels of service.
 - 24 • Recognizing that UGAs are sized to accommodate urban
 25 growth over a 20 year period and that all land within
 26 UGAs will not be required to meet urban land needs
 27 immediately, allow Agriculture and Rural Forestry zoning
 28 designations, on an interim basis, within UGAs. These
 29 zones function as holding districts that will allow
 30 continued resource land uses in the near term while
 31 protecting these areas from suburban sprawl. It is
 32 anticipated that they will be rezoned to allow phased
 33 urban development within the 20-year planning period
 34 when public facilities and services can be provided at
 35 urban levels of service.
- 36 Policy 2S-4: Coordinate with cities to maintain a land capacity analysis
 37 methodology that is consistently applied to all urban growth
 38 areas, including a common definition of net developable land ~~;~~
 39 ~~upon which planned net densities are based~~. When determining
 40 urban land needs, assume that urban densities will be
 41 developed within UGAs over the 20-year planning period.

Policy 2S-5: Annually monitor population growth and publish a report no later than November 1 of each year that analyzes population growth trends over five years in comparison with the adopted population growth projections. ~~land capacity by compiling annual reports from the cities on development activity, and comparing that data with adopted growth projections for the urban growth areas. If the trend over five years indicates that population growth in urban growth areas is significantly higher than adopted projections,~~ Coordinate with the cities to consider appropriate action. Actions may include amending growth projections, or amending urban growth area densities or boundaries. ~~if, over several years, the data indicate that growth is occurring at a significantly different rate than adopted projections.~~

Goal 2T: Establish Urban Growth Areas~~Short Term Planning Areas~~ within which annexations and urban levels of development can occur and outside of which urban levels of development will not occur. This is intended to be a sprawl preventing measure. ~~where a need exists to promote phased development from the urban core outward, where final plans for urban services are not yet in place, and where joint planning at the development regulation level is appropriate. This will assure both conformance and consistency for future plans and developments.~~

Policy 2T-1: ~~A Short Term Planning Area is a zoning overlay designation and is modified through the rezoning process as provided in Title 20. Initial designation or subsequent modification of Short Term Planning Area boundaries may be made when the following criteria have been satisfied:~~

- ~~• The County and the City have agreed on a joint plan or are working toward agreement upon a city/county interlocal agreement for land use and development standards; and~~
- ~~• The County and the water and/or sewer service provider, if an Unincorporated Residential/Recreational Urban Growth Area, have entered into an interlocal agreement; and~~
- ~~• The land to be included within the revised Short Term Planning Area has planned facilities available or facilities capable of being made available in time to serve development within the new Short Term Planning Area at the time development occurs; and~~

- ~~• The City and County have agreed on annexation issues identified in Policy 2N7, Goal 2Q, Policy 2Q-1, Policy 2Q-3, and Policy 2Q-5 above; and~~
- ~~• The Short Term Planning Area adjacent to the vicinity proposed for inclusion is meeting UGA density objectives and there is a demonstrated need for additional land in the local area; and~~
- ~~• The City has annexed to the STPA, or the Unincorporated Residential/Recreational Urban Growth Area has infilled up to the LTPA and extension of the boundary is necessary to accommodate provision of urban services; or~~
- ~~• The planning area extension is otherwise consistent with the policies of this Comprehensive Plan; and~~
- ~~• The City, or the primary utility service providers(s) in the case of Unincorporated Residential/Recreation Urban Growth Areas, has corrected the deficiency which created the need for the Short Term Planning Area; and~~
- ~~• In any event, that adequate capacity in public facilities exists or is projected within ten years to serve the new area; and~~
- ~~• Short Term Planning Areas would be moved by zoning action consistent with the Comprehensive Plan.~~

Policy 2T-~~12~~:

~~Land within a UGA that is not served by public water and sewer~~but outside a Short Term Planning Area shall retain its current zoning until a new joint plan is identified and the Short Term Planning Area is moved, but with will have the following ~~additional~~ limitations on development which shall be included in the County development regulations:

- ~~• No sewer shall be extended outside a Short Term Planning Area. Water lines shall not be extended to serve urban levels of development outside a Short Term Planning Area. Exceptions may be made in cases where human health is threatened as determined by the County Health and Human Services Department (the use of interties for emergency purposes will be allowed to the extent that other needed approvals are given; (2) where vested rights currently exist – the city/district will provide the County detailed maps specifying the location and nature of the vested rights; (3) to help meet regional supply needs, as discussed under the CWSP, so long as the purveyor has sufficient quantities of water to meet~~

~~needs in its entire UGA as determined by the purveyor and agreed to by the County.~~

- ~~All d~~Development in urban growth areas shall be done in a manner which will not preclude development at urban levels of density when the area is annexed into the city.

- No residential development shall occur at a gross density greater than one dwelling unit per ten acres.

- All residential land divisions will be developed as cluster subdivisions. All clustered lots will be grouped together in one cluster. Clustered lots will be as small as possible in order to maintain a large reserve tract available for future urban development. Wells, sewage disposal systems, and easements associated with these facilities may be placed on the reserve tract only if it is not feasible to place them within the boundaries of the clustered lots.

- When ~~the site is rezoned to short term planning area and~~ public water and sewer serve the site, the reserve tract of a cluster subdivision may be developed with urban densities allowed in the zoning district.

- If the clustered lots are served by wells, sewage disposal facilities and/or associated easements that are located on the reserve tract, then the clustered lots will be required to hook up to public water and sewer when the reserve tract is developed with urban densities. The intent of this provision is to ensure that the reserve tract can be developed to its fullest potential, and such development will not be restricted by the existence of wells, sewage disposal facilities and easements associated with these facilities.

~~Policy 2T-3: Land which exhibits severe environmental constraints for on-site septic systems may be included within a Short Term Planning Area, to allow for the provision of sewer to reduce or eliminate on-site sewage system related environmental impacts, if all of the following conditions exist;~~

- ~~The land area is contiguous to existing city limits.~~
- ~~The underlying zoning is urban and the land is located in an Urban Growth Area.~~

- ~~• The land has been designated as an area of special concern pursuant to WCC 24.05.230 due to extenuating environmental constraints and/or failing on-site septic systems have been identified as a significant source of non-point pollution as part of the development of a Closure Response Strategy Report for a Shellfish Protection District.~~
- ~~• Continued reliance on on-site sewage systems for existing development density and future low density development, within the subject area, would not provide adequate protection of adjacent critical areas from significant environmental impacts from on-site sewage systems.~~
- ~~• Where a Local Improvement District for necessary urban levels of service has been established.~~
- ~~• Where interlocal agreements have been established between the County and the water and/or service provider.~~

Bellingham

Bellingham's Urban Growth Area (UGA) was first established in 1997 as a result of a lengthy public involvement process. Three geographical areas comprise the City's UGA: Bellingham's Northern UGA, the Geneva/Watershed Resource Protection UGA, and the Yew Street UGA. ~~Together, these areas make up approximately 5,595 acres.~~

Background

In 1984, Whatcom County developed the Urban Fringe Subarea Plan (UFS Plan) applicable to approximately 20,000 acres located immediately north, west and east of Bellingham's city limits. ~~Slater and Smith roads are generally this area's northern boundary. Mission Road is the eastern boundary and the Lummi Indian Reservation forms the western boundary.~~ Recognizing that uncoordinated and unplanned growth poses a threat to the local environment and sustainable economic development, Bellingham and Whatcom County began a process in early 1990 to update the land use section of the Urban Fringe Subarea Plan. In September 1997, the Whatcom County Council adopted an updated plan. This Plan was subsequently amended in 1999, 2004, 2008 and 2009. The next Urban Fringe Plan update will and now only includes the ~~entire~~ Bellingham UGA.

~~Between 2000 and 2008, Whatcom County grew by 24,174 people, or 14.5%. During that same period of time, the City and its UGA grew by 11,345 or 14.5%. Bellingham and its UGA received 47% of the county's total growth during this time period.~~

Urban Fringe Subarea Plan

The UFS Plan provides the policy framework for addressing the impacts and opportunities of growth in Bellingham's UGA. It addresses County zoning designations, comparable City zoning upon annexation, land uses, development standards and Transfer of Development Rights from the Lake Whatcom Watershed to receiving areas in the UGA. The Plan addresses a number of important objectives related to plan development, public participation, land use, housing, density, the natural environment, open space, parks, recreational opportunities, transportation, utilities and other public services. Plan updates will be made in the context of the Growth Management Act planning goals, the Countywide Planning Policies, the UGA goals and policies of the Whatcom County Comprehensive Plan and Bellingham's Comprehensive Plan.

2011 Update

~~Bellingham is, and will continue to be, the primary population and employment center for Whatcom County. In order to avoid tightening the land supply around this population center and putting additional pressure on rural development, the City of Bellingham is requested to return as part of their required comprehensive plan and development regulation update in 2011 with a proposal for how they would accommodate a total of approximately 116,200 people, either through infill, changes in densities within the city and Urban Growth Area, or expansion.~~

Goal 2U: Evaluate every ~~eighteen~~ years or as necessary Bellingham's Urban Growth Area to determine if the UGA is sufficient in size to accommodate twenty year growth projections, provide an adequate supply of affordable housing, industrial, commercial and recreational development and recognize historical development patterns and commitments for service.

Policy 2U-1 Consider new data, research and public participation when conducting the UGA review.

Policy 2U-~~24~~: ~~Establish and p~~Periodically update procedures for joint city/county review of development proposals in the UGA prior to annexation.

Policy 2U-~~32~~: Work with Bellingham to identify and establish a system of neighborhood parks, greenbelts and open space to serve the urban growth area as it develops.

~~Policy 2U-3: Establish an agreement with Bellingham to share costs of and revenues from improvements within the UGA.~~

Policy 2U-4: Review land supply analysis and consider appropriate urban growth area boundaries consistent with the Growth Management Act and County-wide Planning Policies.

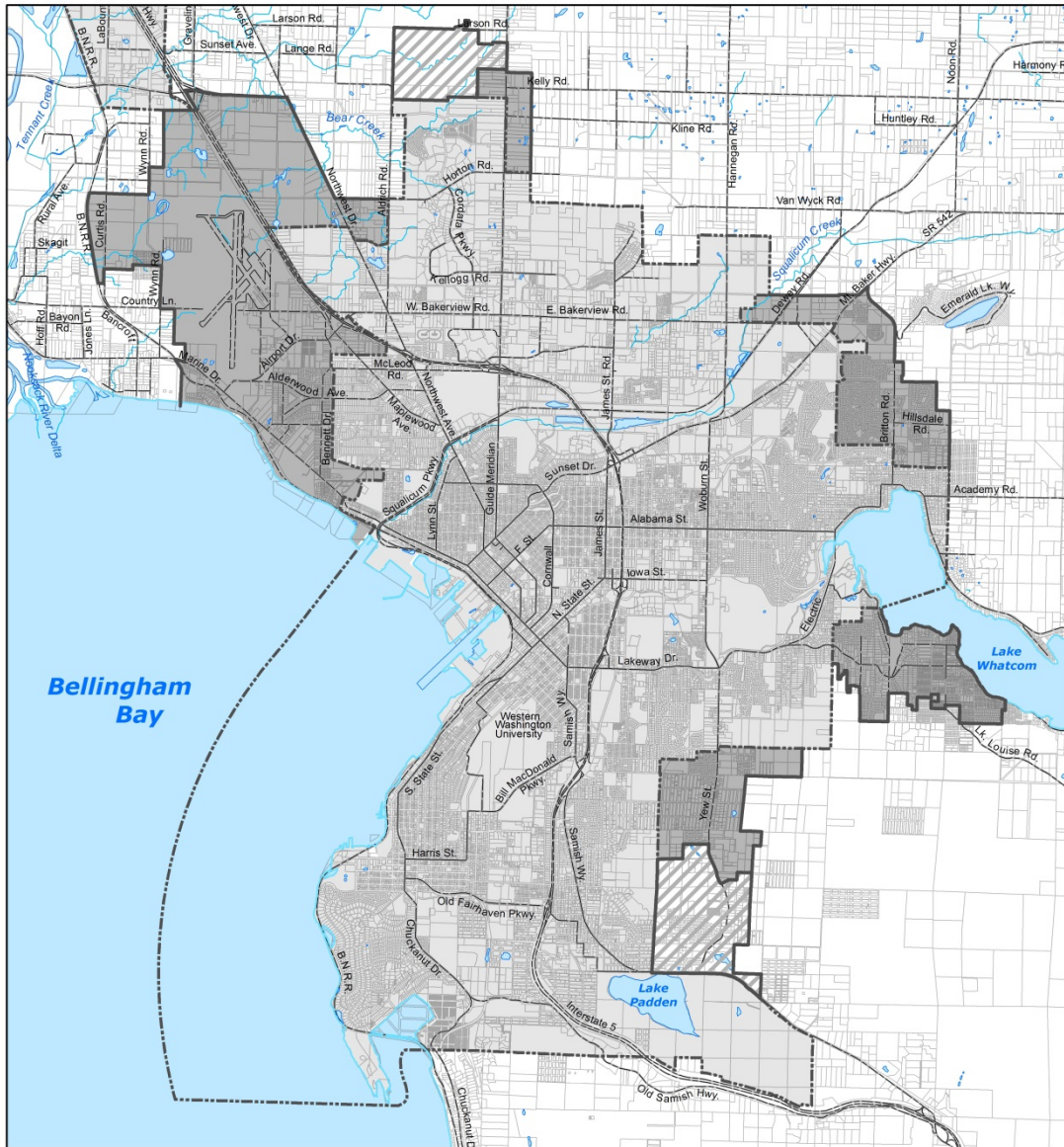
- 1 Policy 2U-5: Review and update the interlocal agreement with Bellingham,
 2 ~~prior to expiration of the current interlocal agreement, as~~
 3 ~~needed,~~ to provide for:
- 4 • ~~Coordinated growth management and capital facility~~
 5 ~~planning;~~
 - 6 • timing and provision of utility services and other urban
 7 services;~~;~~
 - 8 • ~~timing and procedures to be used for review of adequate~~
 9 ~~land supply;~~
 - 10 • timing of annexations;~~;~~
 - 11 • revenue sharing formulas prior to and after annexation;~~;~~
 - 12 • development standards and regulations;~~;~~
 - 13 • joint City/County review of development proposals in the
 14 UGA;~~;~~
 - 15 • affordable housing; ~~and;~~
 - 16 • transfer of development rights within the City of
 17 Bellingham.
- 18 Policy 2U-6: Whatcom County and Bellingham should continue to coordinate
 19 protection and development within the Lake Whatcom
 20 Watershed.
- 21 Policy 2U-7: Whatcom County and Bellingham should designate receiving
 22 areas within the City of Bellingham and its UGA for Transfer of
 23 Development Rights from the Lake Whatcom Watershed.
- 24 Policy 2U-8: The City and Whatcom County should designate appropriate
 25 zoning and residential densities in Bellingham's UGA consistent
 26 with Whatcom County's Comprehensive Plan and Bellingham's
 27 Comprehensive Plan as amended.
- 28 ~~Policy 2U-9:~~ ~~Joint planning in Bellingham's UGA should include joint review of~~
 29 ~~development proposals. City design and development~~
 30 ~~regulations should be required in Bellingham's UGA.~~
- 31 Policy 2U-~~910~~: Annexation should be considered prior to or concurrently with
 32 the extension of City sewer and water and prior to urban
 33 development. Annexations should be a logical extension of the
 34 city boundaries and not create unincorporated islands.
- 35 Policy 2U-~~1011~~: The Geneva and Hillsdale areas, located within the Lake
 36 Whatcom Watershed, are designated urban growth areas in

1 order to allow the City of Bellingham to annex these areas. The
2 City has a long-term interest in the water quality of Lake
3 Whatcom because the City is responsible for providing
4 Bellingham with safe drinking water from the Lake. Whatcom
5 County and the community also have long-term interests in the
6 watershed based upon the special environmental sensitivity of
7 the Lake Whatcom Watershed as a drinking water source and
8 the Total Maximum Daily Load (TMDL) findings requiring a
9 reduction of phosphorus inputs into the lake. Therefore, only
10 non-urban densities should be allowed in that portion of the
11 Urban Growth Area within the watershed. ~~The City of Bellingham~~
12 ~~has expressed interest in exploring the possibility of annexing~~
13 ~~those areas. To allow sufficient time for those exploratory~~
14 ~~discussions to occur and for Bellingham to pursue annexation of~~
15 ~~the areas under all annexation processes available to it, the~~
16 ~~watershed UGAs will remain in the Bellingham UGA until~~
17 ~~December 2012, or until the City of Bellingham formally notifies~~
18 ~~the County that they do not intend to annex the areas,~~
19 ~~whichever is sooner.~~

20 ~~Policy 2U-12: In the 2011 comprehensive plan update, evaluate the feasibility~~
21 ~~of changing zoning from General Commercial to Light Impact~~
22 ~~Industrial in the Bellingham Urban Growth Area in the vicinity of~~
23 ~~Interstate 5, north of the Bellingham International Airport.~~

Whatcom County | Comprehensive Plan

Map UGA-1



- Bellingham Urban Growth Area

-  Incorporated City
-  Urban Growth Area
-  Urban Growth Area Reserve

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Blaine

1 Blaine is the northwestern-most city in Whatcom County. ~~and is home to 4,667~~
2 ~~people.~~ The city is divided by Drayton Harbor into two parts: central Blaine and the
3 Semiahmoo area to the west. These two areas are distinctly different areas of
4 Blaine. The central area is a traditional northwestern city with a vibrant downtown
5 surrounded by neighborhoods of single family houses. The central area includes an
6 extension of largely undeveloped, incorporated land about 3 miles out H Street. The
7 Resort at Semiahmoo is located in west Blaine.

8 Both the County and the City of Blaine are concerned about water quality in
9 Drayton Harbor. Drayton Harbor has a rich history as a shellfish resource. Studies
10 have shown that fecal coliform levels in Drayton Harbor are high and have led to
11 the closure of shellfish harvesting beds. Harvest has been restricted due to fecal
12 pollution since 1952 with closures beginning in 1988. In 1995 the Drayton Harbor
13 Shellfish Protection District was established. Drayton Harbor was entirely closed to
14 commercial shellfish harvest in 1999. In 2004, 575 acres were upgraded to
15 conditionally approved with closures occurring after heavy rainfall. Currently the
16 conditionally approved portion is closed from November through February. Several
17 water bodies in the watershed are on the 303(d) list, including California and
18 Dakota Creeks. In 2007, the County adopted an update to the Drayton Harbor
19 Shellfish Protection District Recovery Plan. This plan reflects the success of
20 reopening some areas for shellfish harvesting in 2004 and outlines future plans for
21 Drayton Harbor restoration. In 2014, the City initiated a three-year project
22 intended to identify point and non-point sources of pollution and take corrective
23 action. The study targets Cain Creek, which also contributes pollutants to the
24 Harbor through tidal flushing from Semiahmoo Bay. Land uses throughout the
25 watershed contribute to water quality in the Harbor and efforts by both the County
26 and the City are necessary to manage water quality.

27 ~~The unincorporated UGA around Blaine was originally designated in 1997. It was~~
28 ~~larger then but all that remains today was there originally. The 1997 plan states~~
29 ~~that the area to the south along Drayton Harbor connecting the two sides of Blaine~~
30 ~~was included in the UGA:~~

31 ~~"...because of its location sandwiched between the western and eastern expanses of~~
32 ~~the Blaine city limits which, at this time, is only connected by water. It is also~~
33 ~~included because of the urban level of zoning historically assigned by the county~~
34 ~~(UR4)...Blaine seeks control of this area to coordinate transportation planning and~~
35 ~~ensure water quality protection and coordinated shoreline management."~~

36 ~~Other areas included in the UGA were largely due to the area's adjacency to the~~
37 ~~existing city limits or for ease of provision of services.~~

39 ~~The concerns that Blaine expressed in 1997 about protecting Drayton Harbor~~
40 ~~remain as studies show that fecal coliform levels in the harbor are harmful to the~~
41 ~~shellfish populations causing a decline in quality and closing of the harbor to~~

shellfish harvesting in 1999. In 2007, the county adopted the update to the Drayton Harbor Shellfish Protection District Recovery Plan. This plan reflects the success of re-opening some areas for shellfish harvesting in 2004 and outlines future plans for Drayton Harbor Restoration. Continued urbanization of the harbor remains a concern for those working to restore it and protect the portions of the harbor that have been able to revitalize under a coordinated effort.

The City of Blaine provides public sewer, water, stormwater, and police services. Public schools for the area are operated and maintained by the Blaine School District. Fire protection services are provided by North Whatcom Fire and Rescue (Fire District # 21).

Public facilities issues in the UGA are primarily concerned with the provision of an urban level of fire and emergency medical services. Fire District 21 does not indicate in their Capital Facilities Plan a set of response times for the Birch Bay UGA or the Blaine UGA separately. It does indicate the response time trends in “urban areas of its service area” in Exhibit 11. This table shows that the district is only meeting their 8-minute standard for Urban response 65% of the time in 2008. The district indicates that 90% of the time for their urban areas they reach the scene of a priority one incident in a little over 11 minutes.

The Blaine General Sewer Plan, updated in 2005, would need to be updated to reflect the new, contracted UGA. The plan does not have an extensive plan for much of the unincorporated UGA, but it does have some areas in the east UGA adjacent to the city planned for future sewer extension. The City does not extend sewer outside of the City limits without annexation unless there is a demonstrated threat to public health that can only be remedied by the City sewer extension.

Finally, the Blaine School District does not have an adopted capital facilities plan for their service area which includes both Blaine and Birch Bay. As their enrollment is declining, they are frequently modifying remodeling and construction plans to correspond to projections and needs. They were unable to pass their most recent bond attempt, causing the school board to halt any efforts toward new construction in at least the next 2 years.

Areas included in the UGA - (Map UGA-2)

As part of the 2009 UGA Update, portions of the Blaine UGA were removed to place Blaine's land supply in closer relationship proximity to its projected population growth. ~~The unincorporated UGA was reduced from 3,315 acres to 476 acres.~~ Only the eastern portion of the unincorporated UGA and a small area south of the city remains in the UGA. The rest of the UGA has reverted to a Rural designation.

Goal 2V: Provide a sufficient Urban Growth Area for Blaine to accommodate future growth needs, ensure ~~an~~ adequate housing, commercial and industrial land supplies supply

and meet Growth Management Act and county land use goals.

Policy 2V-1: Work cooperatively with Blaine to increase critical area protection and water quality controls sufficient to protect shellfish harvesting and marine resources in Drayton Harbor.

Policy 2V-2: ~~Encourage~~Ensure that Blaine ~~adopts measures~~ to implement in-fill policies in the ~~proposed~~ *Blaine Comprehensive Plan*.

Policy 2V-3: Readjust the Urban Growth Area as urban services are ~~planned~~made available and need is demonstrated.

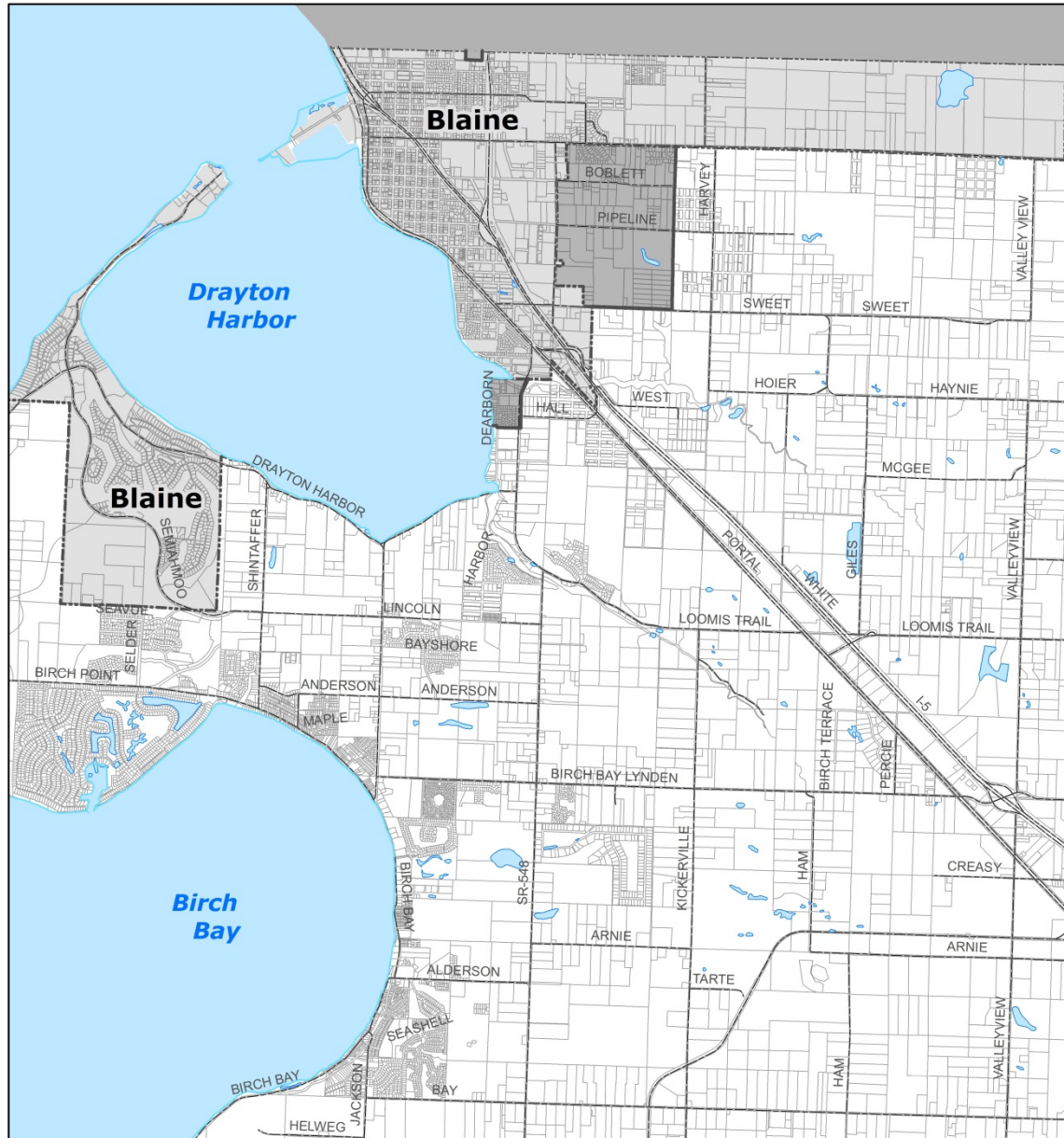
Policy 2V-4: Ensure that adequate capital facilities can be provided to the Blaine Urban Growth Area.

Policy 2V-5: Review and update the interlocal agreement with Blaine, prior to expiration of the current interlocal agreement~~as needed~~, to provide for:


- Coordinated growth management and capital facility planning;
- ~~a project review process for development within Blaine's UGA that ensures consistency with Blaine's Comprehensive Plan and development regulations and standards.~~
- County ~~adoption and~~ maintenance of 10-acres zoning for the UGA which would allow urban densities to develop only with extension of city water and sewer; in conjunction with annexation or a commitment to annex within a very specific timeline and under very specific conditions.
- identification of needed capital improvements and establishment of funding mechanisms; how they will be paid for.
- timing and procedures to be used for review of adequate land supply; and
- consistency with the Coordinated Water System Plan.

Whatcom County | Comprehensive Plan

Map UGA-2



- Blaine Urban Growth Area

-  Incorporated City
-  Urban Growth Area

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1
2 **Everson**

Everson urban growth area is located in ~~centralwestern~~ Whatcom County, northeast of Bellingham. The City and its UGA serve the surrounding area as a commercial, retail and industrial center. The entire UGA is accessible by two major state highways, SR 544 and SR 9, that connects the city to the Canadian border and to points further south. The ~~UGA is also accessible by~~ Burlington Northern railway passes through the eastern portion of the UGA.

Flood prone areas, preservation of agricultural resource land, appropriate use or re-use of adjacent mineral resource lands and provision of adequate urban level services, are among the factors considered in determining the City of Everson Urban Growth Area boundary.

The City is bisected by the Nooksack River, which periodically floods and inundates parts of downtown Everson. Lying to the south of Everson are mineral resource lands and several active gravel mines.

Everson UGA is also adjacent to agricultural lands. County goals include working cooperatively with the City of Everson to enhance or maintain the county's agricultural land base.

The City of Everson provides public sewer, water, stormwater, and police services, while public schools for the area are operated and maintained by the Nooksack Valley School District. Fire protection services are provided by Fire District # 1. ~~The City of Everson has an approved 2005 Water System Plan indicating that the city has adequate water to meet water system demands through 2022. With conservation and re-distribution measures, the City Planner has indicated that water supply and storage capacity is sufficient to meet demand for the next 20 years.~~

~~The City of Everson is challenged by a number of urban service issues that must be considered when establishing geographic boundaries to accommodate future urban growth. The City does not have a Comprehensive Sewer Plan, and City of Everson 2004 Comprehensive Plan, Capital Facility Element indicates that the City will exceed sewage treatment capacity in 2014. However, recent analysis shows that the capacity may be adequate for a period of 8-12 years. Expansion of the treatment plant will be necessary in the future to meet the needs of projected growth for the 20-year planning period. City of Everson and City of Nooksack share costs in operating the Everson Sewage Treatment Plant, and have plans to begin a cooperative effort to develop a comprehensive sewer plan that will address future needs at least through the 20-year planning period.~~

~~Fire District #1 does not currently have a capital facilities plan. Although the Nooksack School District serving Everson, Nooksack and Sumas does not have a Capital Facilities Plan, capacity analysis indicates that the District is able to provide sufficient capacity for the 20-year planning period.~~

The urban growth area for Everson is intended to provide sufficient land area to accommodate future urban growth with adequate public services, while minimizing impacts to resource lands and critical areas. County goals encourage Everson to develop residentially zoned areas at average net densities of four to six units per net developable acre. Net developable acreage is calculated by subtracting areas with development limitations such as steep slopes, flood areas, and other critical areas, and land needed for rights-of-way, utilities, infrastructure and open space.

Areas included in the UGA - (Map UGA-3)

East

This area, located east and south of the existing city limits, straddles State Route 9 and adjacent rail access, and drops below the southern boundary of City of Nooksack. The proposed uses for this area are industrial to the east and residential to the west of SR 9.

North

An area northwest of Everson is included in the UGA to allow expansion of the existing Everson Riverside Park.

West

The most likely place for future development is in the upland areas located west of the city limits, adjacent to existing residential development, and with a public school in close proximity. Proposed future zoning for this area includes a mix of uses including industrial, commercial, and residential. ~~Current agricultural zoning in portions of the UGA serve as holding districts until rezoned for urban uses in the future.~~

South

An area to the south of the existing city limits is in the UGA. This land is outside of the floodplain and adjacent to existing residential and industrial uses.

Goal 2W: ~~Provide~~**Set** an Urban Growth ~~Area~~**Boundary** for Everson which accommodates future growth needs and recognizes constraints imposed by Nooksack River flooding and adjacent designated agriculture and mineral resource ~~lands~~**mining issues.**

Policy 2W-1: Work with Everson to adopt measures to limit development in floodplains.

Policy 2W-2: Recognize adjacent mineral resource lands as potential urban development areas and work with Everson and land owners to

develop an environmentally safe plan to facilitate this conversion.

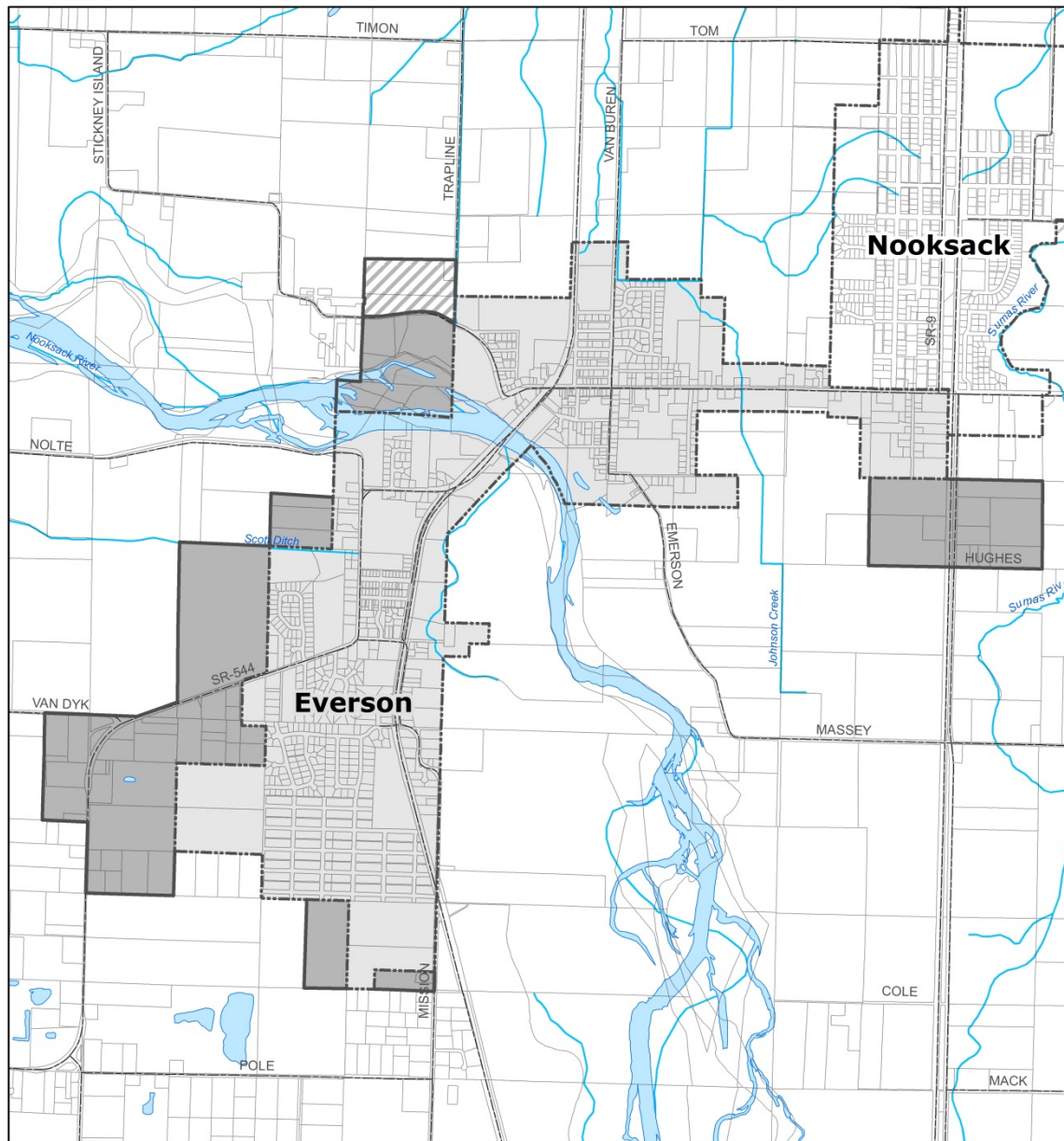
Policy 2W-3: Avoid new land uses that are an identified threat to groundwater quality within the delineated wellhead protection area of the Everson wellfield.

Policy 2W-4: Review and update the interlocal agreement with Everson, prior to expiration of the current interlocal agreements~~as need~~, to provide for:

- Coordinated growth management and capital facility planning;
- identification of needed capital facility improvements and funding mechanisms; ~~establishment of how they will be paid for.~~
- timing and procedures to be used for review of adequate land supply; ~~and~~
- consistency with the Coordinated Water System Plan; ~~and~~
- cooperation regarding conversion of mineral resource lands; and
- ~~recognize opportunities for future growth to the west of the existing city.~~
- ~~limitation of development on floodplain on parcel adjacent the former golf course.~~
- long term measures to assure compatibility with resource lands.

Whatcom County | Comprehensive Plan

Map UGA-3



- Everson Urban Growth Area

-  Incorporated City
-  Urban Growth Area
-  Urban Growth Area Reserve

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1 Ferndale

2 County goals encourage Ferndale to develop residentially zoned areas at overall
 3 average net densities of ~~five–six~~ to ten units per net developable acre. Net
 4 developable acreage is calculated by subtracting areas with development limitations
 5 such as steep slope, flood areas, and other critical areas, and land needed for
 6 rights-of-way, utilities, infrastructure, and open space.

7 Issues in defining the Ferndale Urban Growth Area include protection of wetlands,
 8 provision of serviced industrial land, inclusion of ~~sufficient~~~~adjacent~~ land with
 9 ~~planned~~ services to accommodate projected urban growth, and urban levels of
 10 ~~development or urban zoning, and~~ proximity to the Bellingham UGA and proximity
 11 to the North Bellingham Rural Neighborhood.

12 The Grandview Industrial ~~area~~~~Park~~ is included in the urban growth area. This
 13 ~~inclusion~~ supports the policies in the Economics chapter of this plan to provide a
 14 sufficient supply of serviced industrial land.

15 Ferndale will ~~provides~~ most of the urban governmental services within the Urban
 16 Growth Area, including public sewer, water, stormwater and police services. except
 17 ~~for fire protection and schools. Public schools for the area are operated and~~
 18 ~~maintained by the Ferndale School District. Fire protection services are provided by~~
 19 ~~Fire District # 7. The City of Ferndale Comprehensive Sewer Plan, adopted by the~~
 20 ~~City in 2011, includes improvements to the wastewater treatment plant to serve~~
 21 ~~planned growth over the 20-year planning period. The City of Ferndale 2006 Water~~
 22 ~~System Plan indicates that the city has adequate water rights and contracts to meet~~
 23 ~~water system demands to the end of its 2026 planning period. The Ferndale School~~
 24 ~~District has a capital facilities plan, which has been adopted by Whatcom County.~~

25 ~~Fire District 7 serves the City of Ferndale. The Whatcom County Fire District No. 7~~
 26 ~~Capital Facilities Plan, adopted by the District in 2011, indicates that the District~~
 27 ~~currently meets the level of service standard for the Ferndale UGA. Additionally, the~~
 28 ~~Plan indicates that, with proposed capital facility and staffing improvements, the~~
 29 ~~District will meet the level of service standard over the 20-year planning period.~~

30 Areas included in the UGA - (Map UGA-4)

31 North

32 The Urban Growth Area extends north to include the ~~commercial /~~ industrial area
 33 around the Grandview Road / I-5 interchange. ~~Land~~ A certain area between the
 34 Grandview industrial area and the Ferndale city center is designated Urban Growth
 35 Area Reserve, as this area has been identified as~~may be~~ a logical extension of the
 36 Urban Growth Area in the future.

37 West

Areas west of the city are included in the UGA, as these areas are generally located in proximity to existing water lines, sewer lines, City streets and/or schools.

East

~~There are only limited areas to the east that are included within the Urban Growth Area. Existing large lot development patterns to the east make the extension of efficient public facilities and services to this area more difficult.~~

South

Land southeast of the City, near the intersection of I-5 and Slater Rd., is included in the UGA to accommodate commercial development. The State, Whatcom Council of Governments, Whatcom County, City of Ferndale, City of Bellingham, Lummi Nation, and Port of Bellingham are coordinating long-range transportation improvements in the Slater Rd. area. Very little land area to the south has been included in the urban growth area.

Goal 2X: Provide a sufficient Urban Growth Area for Ferndale to accommodate future growth needs, meet Ferndale's long-term vision~~retain existing character~~ and attain Growth Management Act and county land use goals.

Policy 2X-1: Support City of Ferndale planning efforts for in-fill development within the existing city limits and development of its UGA.

Policy 2X-2: Ensure that adequate capital facilities can be provided to the Grandview Industrial area within a timely fashion to accommodate development of the area.

Policy 2X-3: Establish a revenue sharing agreement which fairly compensates the county if a loss of revenue from the Grandview Industrial Area exceeds reduction in associated costs.

Policy 2X-4: Encourage Ferndale to work towards development of a "wetland bank" to mitigate impacts of development on scattered wetland areas within the city.

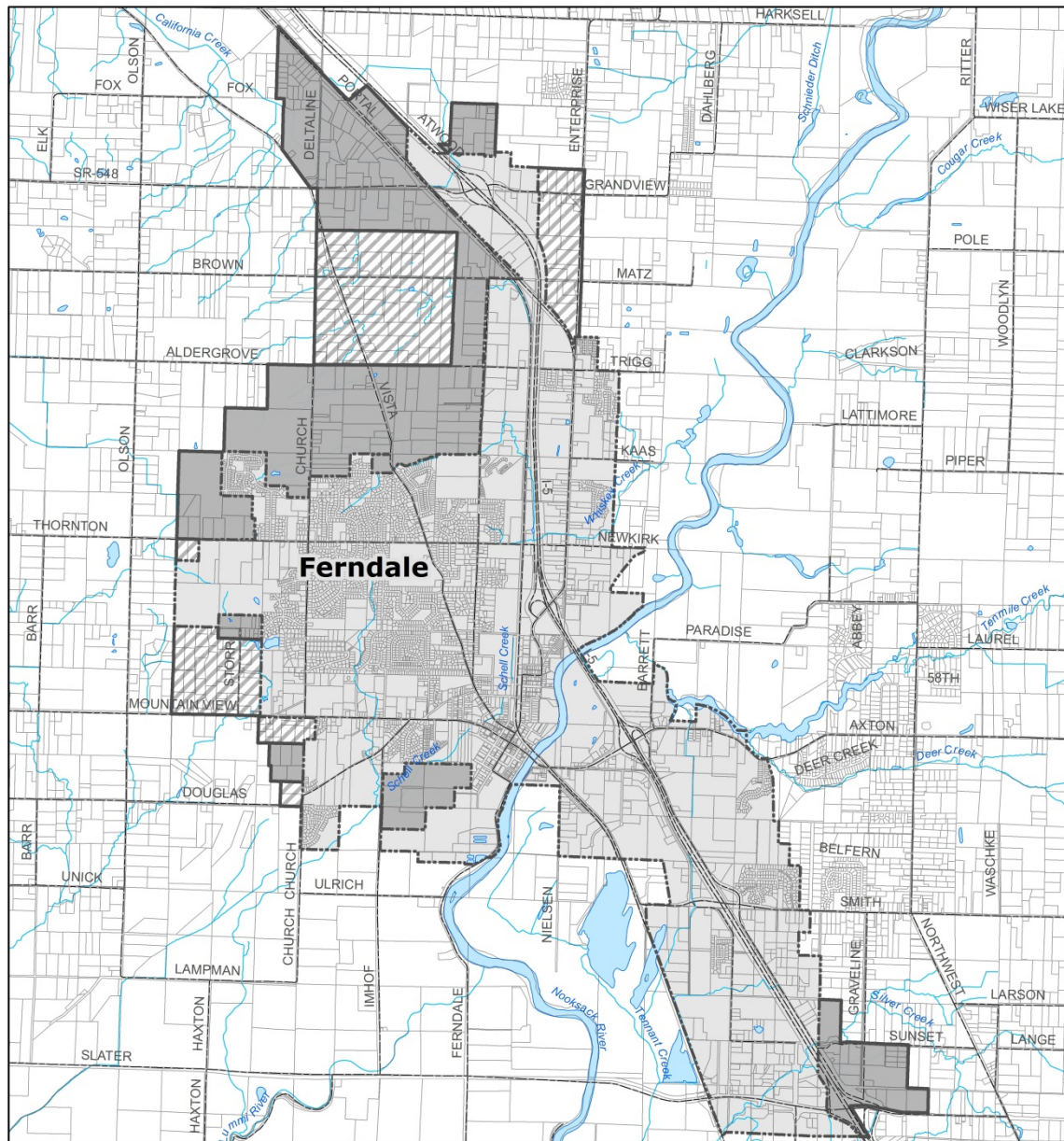
Policy 2X-5: Review and update the interlocal agreement with Ferndale, prior to expiration of the current interlocal agreement~~as needed~~, to provide for:

- Coordinated growth management and capital facility planning;
- policies regarding utility service outside the UGA~~;~~

- 1 • identification of needed capital facility improvements and
2 funding mechanisms~~establishment of how they will be~~
3 ~~paid for~~;
- 4 • zoning designations and density within the UGA;
- 5 • coordination with the county of greenbelts and open
6 space;
- 7 • timing and procedures to be used for review of adequate
8 land supply; and;
- 9 • consistency with the Coordinated Water System Plan.

Whatcom County | Comprehensive Plan

Map UGA-4



- Ferndale Urban Growth Area

-  Incorporated City
-  Urban Growth Area
-  Urban Growth Area Reserve

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Lynden

County goals encourage Lynden to develop residentially zoned areas at average net densities of ~~five-six~~ to ten units per net developable acre. Net developable acreage is calculated by subtracting areas with development limitations such as steep slopes, flood areas, and other critical areas, and land needed for rights-of-way, utilities, infrastructure, and open space.

Issues in defining the Lynden Urban Growth Area include preservation of agricultural resource lands and accommodating projected urban growth over the planning period.~~uses allowed within county zoning designations.~~ Lynden is surrounded by agricultural resource lands. The Growth Management Act requires cities to protect adjacent resource lands through the adoption of buffers or the regulation of uses.

~~The city of Lynden provides public water, sewer, stormwater, police and fire protection services. most of the urban governmental services, except for schools. The city has a General Sewer Plan completed in 2007 that will meet the needs of growth over the 20 year period. The City of Lynden 2008 Water System Plan indicates that the city has adequate water to meet water system demands to the end of its 2026 planning period. However, t~~The City of Lynden and the Washington State Department of Ecology have an existing dispute over the city's water rights. The city has entered into a memorandum of agreement (MOA) with Ecology to address long-standing water right issues. The Lynden School District also serves the area.~~has a capital facilities plan, which has been adopted by Whatcom County. Fire protection facilities are provided by the City of Lynden and are included in their Capital Facilities Plan.~~

The Lynden Urban Growth Area has been designated to provide a sufficient land supply for Lynden and minimize impact on adjacent agricultural resource land.

Areas included in UGA - (Map UGA-5)

North

~~A tract of l~~and in the northwest area of Lynden has been included in the UGA. While this is prime agricultural land, it is logically located for service provision and is necessary to adequately accommodate Lynden's growth needs through the 20-year planning period. The City of Lynden has been the lead in developing the Pepin Creek realignment project in the UGA for the last 10 to 15 years. This has involved coordination with the County, WSDOT, WDFW, DOE, North Lynden Watershed Improvement District and other impacted shareholders. This project would realign deep road-side ditches along Benson Road and Double Ditch Road into a single stream channel roughly centered between the two. The project is intended to address flooding, fish habitat, and roadside drainage that impacts water quality and creates narrow roadways without adequate shoulders. It will also provide a new trail corridor and provide space in the existing right-of-ways for bike and pedestrian

~~movements. Double Ditch Creek and Benson creek, which flow through drainage ditches in this area, have been identified by the Department of Fish and Wildlife as anadromous creeks. If this area develops in the future, the City and County should work with the State to address drainage and flooding issues and protect or restore fish habitat in these creeks.~~

West

A large amount of land located west of Lynden is included to facilitate industrial and commercial growth for the City of Lynden and accommodate a city stormwater detention facility.

South

There are several relatively smaller areas south of Lynden in the UGA.

Goal 2Y: ~~Provide~~**Designate** an Urban Growth Area for Lynden of sufficient size to accommodate~~provide for~~ future growth, protect the existing character of Lynden, and minimize impact on county resource lands.

Policy 2Y-1: ~~Review county zoning regulations to e~~nsure that conditional uses in the agricultural zone do not discourage the development of such uses within the City of Lynden.

Policy 2Y-2: ~~Require~~Work with Lynden to ~~develop~~propose long term measures to assure compatibility of adjacent uses to ~~mineral and designated~~ agricultural resource lands.

Policy 2Y-3: Review and update the interlocal agreement with Lynden, prior to expiration of the current interlocal agreements~~as needed~~, to provide for:

- Coordinated growth management and capital facility planning;
- restrict extension of urban levels of service to the urban growth areas;~~;~~
- identification of needed capital facility improvements and establishment of funding mechanisms~~how they will be paid for.~~
- zoning designations and density within the UGA;~~;~~
- timing and procedures to be used for review of adequate land supply; and.

- consistency with the *Coordinated Water System Plan* and demonstration of sufficient water rights for current and projected needs.

Policy 2Y-4: Land uses that are incompatible with the operation of the Lynden Airport should be discouraged when rezoning land in the Urban Growth Area west of Benson Rd. and south of Badger Rd. Specifically, Whatcom County should follow the process set forth below when considering whether a proposed rezone discourages incompatible land uses:

- Determine whether any land in the proposed rezone is within zone 1 (runway protection zone), zone 2 (inner approach/departure zone), or zone 3 (inner turning zone) as shown on Safety Compatibility Zone Example 1 from the *California Airport Land Use Planning Handbook* (Shutt Moen Associates, January 2002, p. 9-38).
- Compare the land uses allowed by the proposed zoning with the Basic Safety Compatibility Qualities for zones 1, 2, and 3 and the Safety Compatibility Criteria Guidelines for zones 1, 2, and 3 in the *California Airport Land Use Planning Handbook* (Shutt Moen Associates, January 2002, pp. 9-44 and 9-47) and identify incompatible land uses.
- Determine whether land in zone 1, 2 or 3 is proposed for a zoning district that allows residential land uses, schools, day care centers, hospitals, nursing homes, or above ground bulk fuel storage.
- Unless no alternatives are feasible, require residential land uses, schools, day care centers, hospitals, and nursing homes to be clustered or otherwise located outside of zones 1, 2 and 3 and require above ground bulk fuel storage to be located outside of zones 1, 2 and 3. The intent is to preserve as much open space as possible in zones 1, 2 and 3.

Policy 2Y-5: Land uses that are incompatible with the operation of the Lynden Airport should be discouraged if expansion of the Urban Growth Area west of Benson Rd. and south of Badger Rd. is considered. Specifically, the Lynden Urban Growth Area should not be expanded in this area unless it can be demonstrated that:

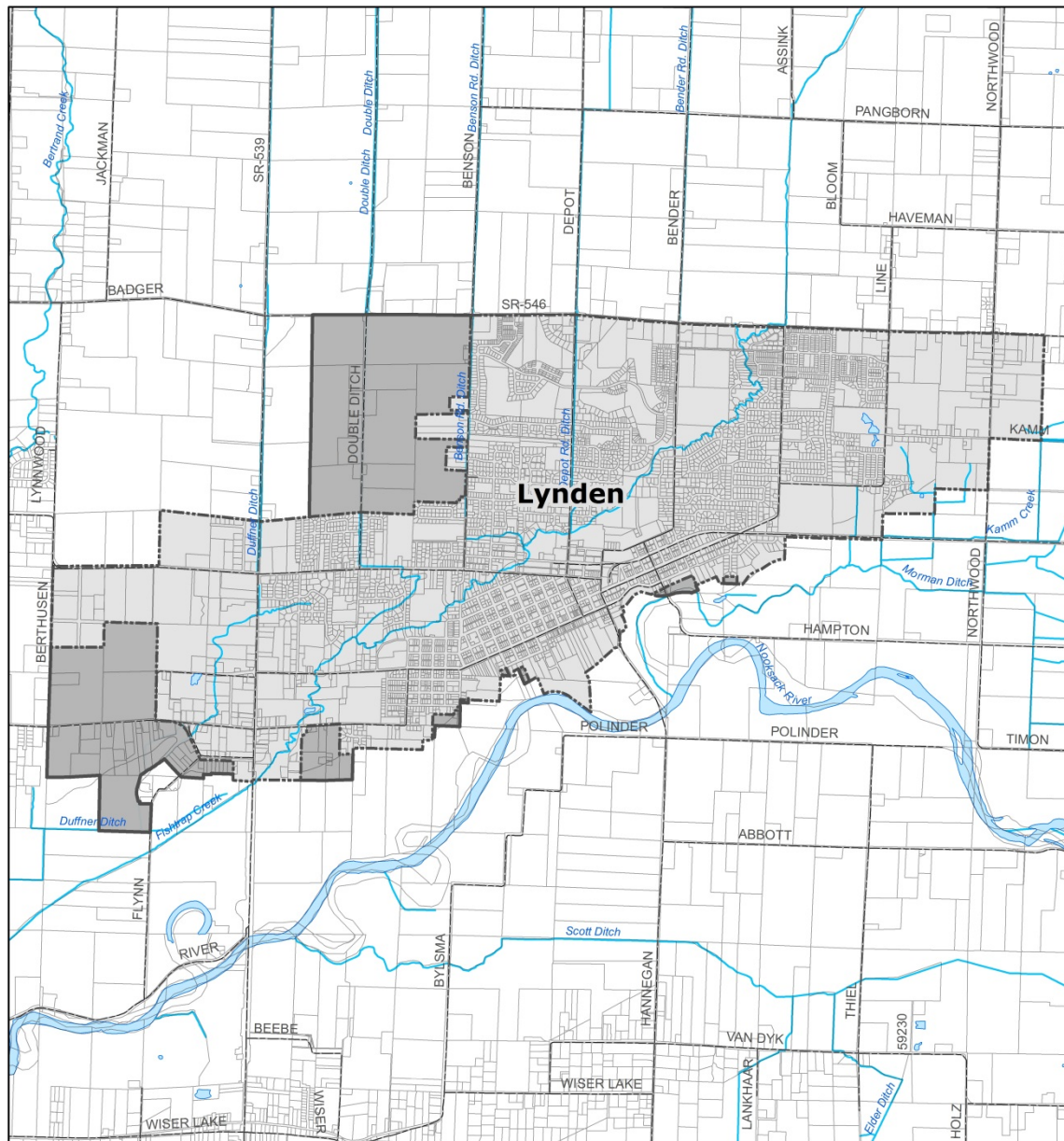
- Residential land uses, schools, day care centers, hospitals, nursing homes, and above ground bulk fuel storage would be clustered or otherwise located outside zone 2 (inner approach/departure zone), zone 3 (inner turning zone), and zone 4 (outer approach/departure zone) as shown on Safety Compatibility Zone Example 1 from the *California Airport Land Use Planning Handbook* (Shutt Moen Associates, January 2002, p. 9-38).

~~Policy 2Y-6:~~

~~A parcel added to the Lynden UGA in the 2009-10 year UGA review (located in section 15, T40N, R3E, W.M.) is within the 100-year flood plain of the Nooksack River, and its addition to the UGA and subsequent uses are subject to the restrictions of RCW 36.70A.110(8). Its addition to the UGA is conditioned upon and subject to the extinguishment of all development rights on the property, and it may not be annexed by the City of Lynden until those rights have been extinguished. Further, the uses of the property must remain consistent with the exemptions in RCW 36.70A.110(8), excepting property from the general prohibition against additions to UGAs in floodplains.~~

Whatcom County | Comprehensive Plan

Map UGA-5



- Lynden Urban Growth Area

-  Incorporated City
-  Urban Growth Area

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1 Nooksack

2 The Nooksack urban growth area is located in ~~central~~**western** Whatcom County,
3 northeast of Bellingham. The UGA is located immediately to the east and northeast
4 of the City of Everson, and is served by a major state highway, SR 9 that connects
5 the City ~~to the Canadian border and to points further south with City of Sumas,~~
6 ~~extending north to the Canadian border.~~ From points south, Burlington Northern
7 railway passes through the town center, on the way to Canada.

8 The Community's expressed vision is to maintain an atmosphere of safe and
9 friendly family living in a small town rural setting, while protecting and enjoying the
10 natural environment and agricultural lands of the surrounding area, and promoting
11 development of new jobs and businesses. ~~-(City of Nooksack, Comprehensive Plan,~~
12 ~~2004).~~

13 Flood prone areas, preservation of agricultural resource land, appropriate use or re-
14 use of adjacent mineral resource lands, and provision of adequate urban level
15 services, are among the factors considered in designating the City of Nooksack
16 Urban Growth Area boundary. The Nooksack UGA is located entirely within the
17 Sumas River watershed, with portions of the City's eastern boundary following the
18 Sumas River as it flows north toward Sumas and British Columbia, Canada.
19 Nooksack is surrounded on all sides by physical constraints that present challenges
20 to development. West of the city limits is the Nooksack River floodplain with a
21 history of recurrent flooding, and east of the city are the Sumas River, Breckenridge
22 Creek, and Swift Creek, all of which are prone to flooding. Mineral resource
23 designated lands with active mining operations are located northeast of the city
24 limits. The Nooksack UGA ~~includes has also been identified as an area~~s with high
25 aquifer recharge susceptibility, protected by City and County critical areas
26 regulations.

27 Nooksack UGA is surrounded by agricultural land, or rural land ~~identified~~ with
28 agricultural ~~protection~~ soils on nearly all sides. County goals include working
29 cooperatively with the City of Nooksack to enhance or maintain the county's
30 agricultural land base.

31 ~~The City of Nooksack is challenged by a number of urban level service issues that~~
32 ~~must be considered when establishing geographic boundaries to accommodate~~
33 ~~future urban growth.~~ The City of Nooksack collects and transmits wastewater to City
34 of Everson's Sewage Treatment Plant for treatment. Both cities provide funding for
35 operation and maintenance of Everson's sewer treatment facility. ~~The City of~~
36 ~~Everson's treatment facility is not planned to accommodate the projected growth of~~
37 ~~both cities at this time, although it is expected to have sufficient capacity for the~~
38 ~~next 13 to 15 years. Neither city has a Comprehensive Sewer Plan adopted, but~~
39 ~~efforts are beginning to have a plan that will meet future needs through the 20-~~
40 ~~year planning period.~~

The City of Nooksack has a Water System that provides water to the City and a portion of the UGA. Plan approved by DOH on February 22, 2006. The Plan covers the 20-year planning period through 2022. The City of Nooksack purchases water from the City of Sumas, ~~providing 199 acre feet of water annually to Nooksack~~ per the terms of a mutual supply agreement between Sumas and Nooksack and the Nooksack Valley Water Association (NVWA). Sumas has water rights to provide City of Nooksack with adequate supply necessary to support projected growth. Public schools for the area are operated and maintained by the Nooksack Valley School District. Fire protection services are provided by Fire District # 1.

~~Fire District 1 serves Everson and Nooksack. The Fire District does not have a Capital Facilities plan.~~

~~The Nooksack Valley School District serves Everson, Nooksack and Sumas. The School District does not have a Capital Facilities Plan, although capacity analysis indicates that the District is able to provide sufficient capacity for the 20-year planning period.~~

The urban growth area for Nooksack is intended to provide sufficient land area to accommodate future urban growth with adequate public services, while minimizing impacts to resource lands and critical areas. County goals encourage Nooksack to develop residentially zoned areas at average net densities of four to six units per net developable acre. Net developable acreage is calculated by subtracting areas with development limitations such as steep slopes, flood areas, and other critical areas, and land needed for rights-of-way, utilities, infrastructure and open space.

Areas included in the UGA - (Map UGA-6)

North

Land northwest of the existing city limits, north of Tom Rd., has been included in the Urban Growth Area. This land is mostly located outside the floodplain and, after annexation, is planned for future industrial development.

East

Land east of the existing city limits and north of Breckenridge Creek has been included in the Urban Growth Area. This land is mostly located outside floodplains, and upon annexation Nooksack has indicated a willingness to provide urban services. This area currently contains the Nooksack Elementary School and an adjacent cemetery, both of which are considered public uses. The majority of the remaining area is planned for residential development.

South

Land south of the existing city limits and east of SR 9 has been included in the Urban Growth Area. This land, formerly in the Everson Urban Growth Area, is planned for future residential and commercial development.

West

Land west of the existing city limits, adjacent to the Nooksack Valley Middle School, has been included in the Urban Growth Area. This land is located within the floodplain and, after annexation, is planned for ball fields.

Goal 2Z: ~~Provide~~**Set** an Urban Growth ~~Area~~**Boundary** for Nooksack which accommodates future growth needs and recognizes constraints imposed by Nooksack and Sumas River flooding, and adjacent designated agriculture ~~agricultural uses,~~ and mineral resource lands.~~mining issues.~~

Policy 2Z-1: Work with Nooksack to adopt measures to limit development in floodplains.

~~Policy 2Z-2: Encourage Nooksack to review land use proposals for available agricultural and flood-prone lands for designation in open-space type uses.~~

Policy 2Z-~~23~~: Encourage Nooksack to pursue multi-family development and to adopt measures to develop within the existing city limits at increased densities.

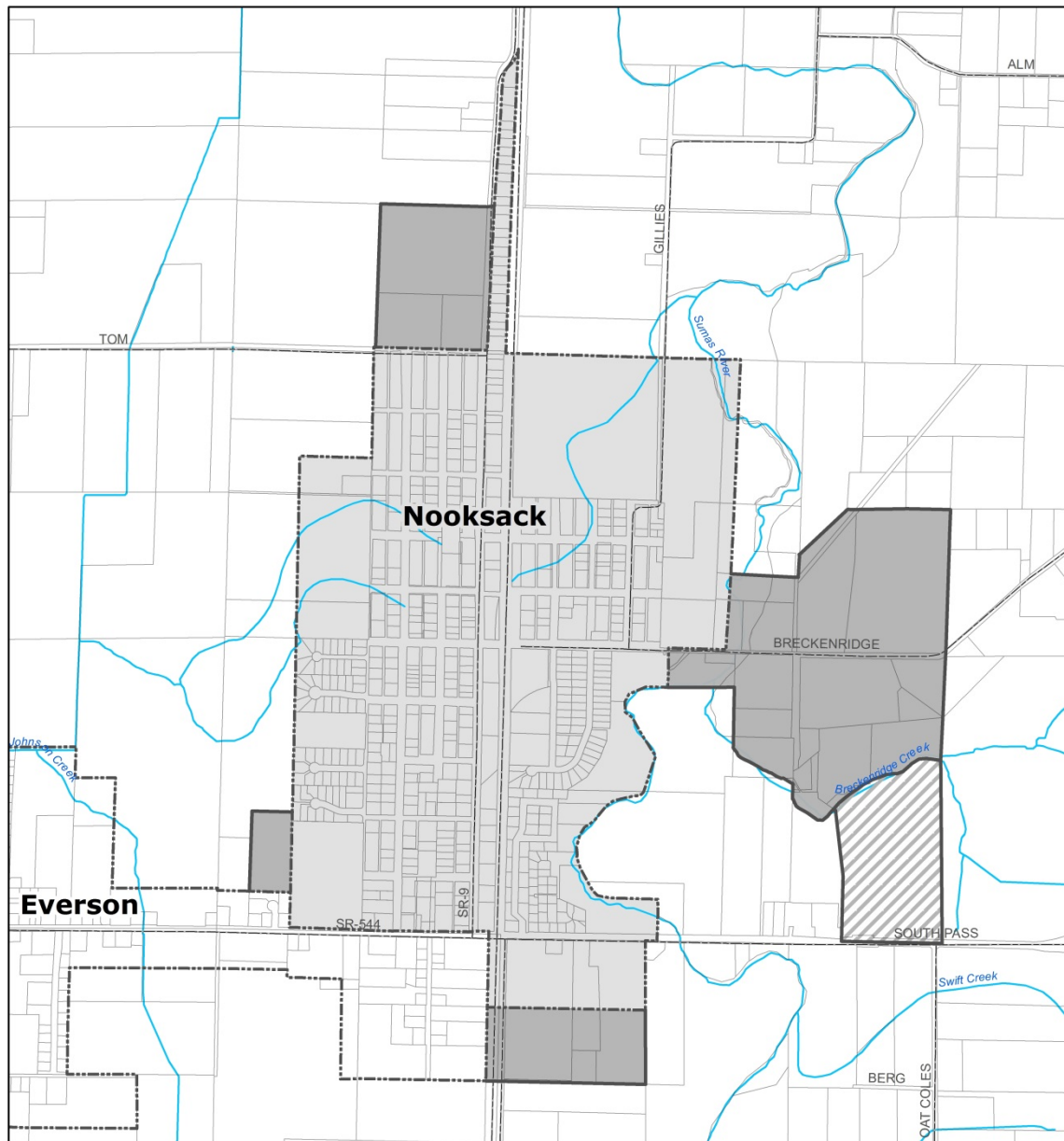
Policy 2Z-~~34~~: Ensure Nooksack can provide adequate urban services to accommodate projected population growth within the urban growth area.

Policy 2Z-~~45~~: Review and update the interlocal agreement with Nooksack, prior to expiration of the current interlocal agreement~~as needed,~~ to provide for:

- Coordinated growth management and capital facility planning;
- identification of needed capital facility improvements and funding mechanisms;~~adequate sources of funding.~~
- timing and procedures to be used for review of adequacy of land supply~~;~~
- consistency with the Coordinated Water System Plan~~;~~
- periodic reexamination of flood prone and agricultural areas~~;~~
- measures for protection of adjacent resource lands through control of incompatible uses and/or buffers~~;~~ and
- long term measures to assure compatibility with resource lands.

Whatcom County | Comprehensive Plan

Map UGA-6



- Nooksack Urban Growth Area

-  Incorporated City
-  Urban Growth Area
-  Urban Growth Area Reserve

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0 500 1,000 2,000 Feet



Sumas

The Sumas urban growth area is located in north central Whatcom County along the USA-Canada international border, with the communities of Everson and Nooksack to the southwest. The UGA is served by two state highways (SR 9 and SR 547) connecting the City to the Canadian border and extending to points further south and east. The Community's vision for the UGA is to take advantage of its location and function as an international border crossing to capitalize on commercial and retail economic opportunities presented by border traffic. ~~and t~~The City has also expressed an interest in becoming a regional industrial center. The UGA is served by Burlington Northern railway.

Flood prone areas, preservation of agricultural resource land, and provision of adequate urban services, are among many factors considered in designating the City of Sumas Urban Growth Area boundary. The UGA and surrounding area consists of gently sloping terrain, tributary streams and creeks draining into the meandering northward flowing Sumas River. The UGA is also surrounded by designated agricultural land ~~with agricultural protection soils~~ on all sides. County goals include working cooperatively with the City of Sumas to enhance or maintain the county's agricultural land base.

Urban level service capacities must be considered when establishing geographic boundaries to accommodate future urban growth. The City of Sumas has a Water System ~~that serves the City Plan (WSP) that was approved in 2000. This Plan covers the 1998 to 2018 planning period with a projected population of 1,625, which is slightly less than what the County has allocated for urban growth during the 20-year planning period. State law requires municipal systems to update WSP's every 6 years, and City of Sumas is currently in the process of updating its Plan.~~ The City of Sumas owns and operates seven wells in two major well fields that provide a significant quantity of water within recognized water rights. City of Sumas supplies wholesale water to the Sumas Rural Water Association ~~(SRWA), the Nooksack Valley Water Association and the City of Nooksack. Although not covered in the 2000 Plan, preliminary analysis indicates that the combined storage of 1,000,000 gallons is sufficient to meet the need of the combined systems for the 20-year planning period.~~

City of Sumas collects and transports wastewater across the USA-Canada border for treatment in the City of Abbotsford, British Columbia, Canada, on a contractual basis. This agreement extends through the year 2028. ~~Although the City of Sumas does not have a Comprehensive Sewer Plan, it appears that the City has sufficient capacity to meet the growth allocated within the 20-year planning period.~~

Public schools for the area are operated and maintained by the Nooksack Valley School District. Fire protection services are provided by Fire District # 14.

~~Fire District 14 serves Sumas by contract. The Fire District has indicated that it currently can provide urban level of service to Sumas.~~

~~The Nooksack School District serves Everson, Nooksack and Sumas. The School District does not have a Capital Facilities Plan, although capacity analysis indicates that the District is able to provide sufficient capacity for the 20-year planning period.~~

The urban growth area for Sumas is intended to provide sufficient land area to accommodate future urban growth with adequate public services, while minimizing impacts to resource lands and critical areas. County goals encourage Sumas to develop residentially zoned areas at average net densities of four to six units per net developable acre. Net developable acreage is calculated by subtracting areas with development limitations such as steep slopes, flood areas, and other critical areas, and land needed for rights-of-way, utilities, infrastructure and open space.

Areas included in the UGA - (Map UGA-7)

An area south of Sumas and east of SR9 has been designated urban growth area to accommodate future growth needs.

Goal 2AA: Provide~~Set~~ an Urban Growth Area~~Boundary~~ for Sumas which accommodates future growth needs and recognizes the unique constraints imposed by flooding of the Sumas River and the Nooksack River and designated Agriculture lands.

Policy 2AA-1: Ensure Sumas can provide adequate urban services within the urban growth area.

Policy 2AA-2: Work with Sumas to adopt measures to limit development in floodplains.

Policy 2AA-3: Encourage Sumas to increase densities for areas located outside the floodplain.

Policy 2AA-4: Avoid new land uses that are an identified threat to groundwater quality within the delineated wellhead protection area of the Sumas City wellfield and May Road wellfield.

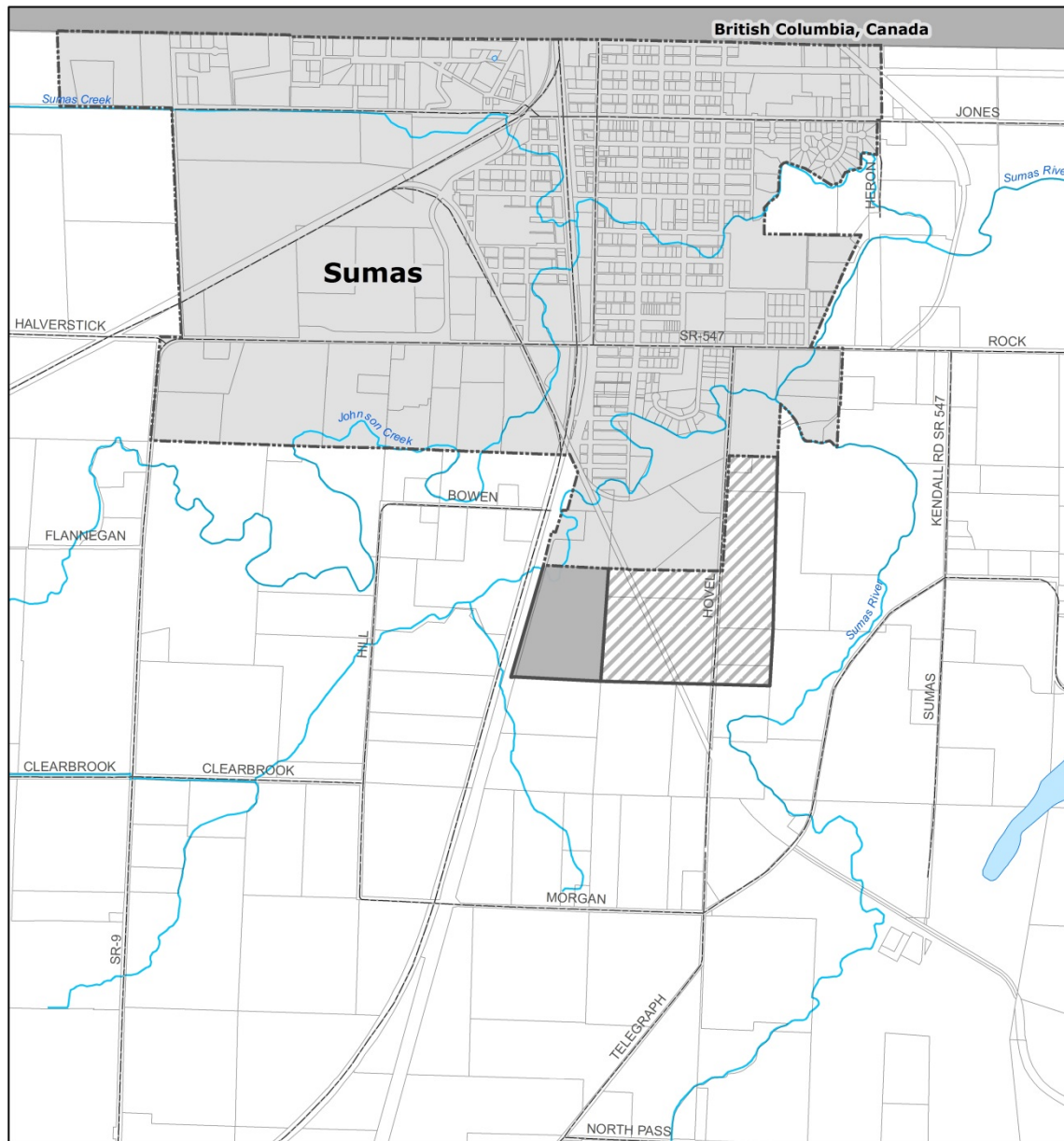
Policy 2AA-5: Review and update the interlocal agreement with Sumas, prior to expiration of the current interlocal agreement, to provide for:~~Negotiate and adopt an interlocal agreement which provides for:~~

- Coordinated growth management and capital facility planning;

- 1 • restriction of extension of urban levels of service outside
2 the urban growth area~~;-~~
- 3 • identification of needed capital facility improvements and
4 funding mechanisms~~;- establishment of how they will be~~
5 ~~paid for.~~
- 6 • timing and procedures to be used for review of adequate
7 ~~of~~ land supply~~;-~~
- 8 • consistency with the Coordinated Water System Plan~~;-~~
- 9 • protection of groundwater quality within the wellhead
10 protection areas of the Sumas wellfields~~;-~~
- 11 • re-examination of the densities outside the floodplain to
12 see if they can be increased~~;- and-~~
- 13 • long term measures to assure compatibility with resource
14 lands.

Whatcom County | Comprehensive Plan

Map UGA-7



- Sumas Urban Growth Area

-  Incorporated City
-  Urban Growth Area
-  Urban Growth Area Reserve

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Birch Bay and Columbia Valley Urban Growth Areas

~~Unincorporated Residential/Recreational Urban Growth Areas and Recreational Subdivisions~~

~~Birch Bay, Sudden Valley, and the Columbia Valley/Kendall area~~ The Birch Bay UGA and Columbia Valley UGA are unincorporated areas with sizable populations and substantial amounts of existing, residential/recreational development. These areas are characterized by a mix of permanent residents, recreational units and/or second home use, which reflects both the population growth that has occurred in the unincorporated areas of Whatcom County and the resort/recreational nature of these areas.

Birch Bay UGA

Birch Bay is a resort community which has historically been a second-home resort area with a trend toward permanent, often retirement homes. A high proportion are still second homes. ~~According to the 2000 U.S. Census, approximately 51% of the housing units in the Birch Bay Census Designated Place are vacant or seasonally occupied. The community, however, feels that~~ However, the trend is shifting to more permanent residents because of the attractiveness of the Birch Bay area and as the cost of housing in other areas of the county increases. The 2000 census counted 5,094 housing units in the Birch Bay Census Designated Place, including recreational units and RV sites.

~~During the 2009 UGA update, land was removed from the Birch Bay UGA. The land removed from the UGA was put into a Rural Comprehensive Plan designation and re-zoned from urban densities to Rural one dwelling/ten acres.~~

Water and sewer are provided by Birch Bay Water and ~~Sewer and Water~~ District which has a network of water lines throughout most of the district. Birch Bay Water and Sewer District has the capability of providing sewer service to the entire urban growth area, but the present sewer system covers a much smaller geographic area than the water distribution system. The sewer service area also includes land which was removed from the Birch Bay Urban Growth Area or is included in the Blaine Urban Growth Area.

The district purchases water under a contractual agreement from the City of Blaine. In April 2002, the District entered into a 30 year contract with the City of Blaine to purchase water adequate to serve the District's projected need for water through ~~2032~~ 2022. The District continues to work closely with Blaine as the need for water changes given with updates to the population projections. ~~The District also has a pending application for groundwater rights to a well drilled by the District, and an application to transfer water from the Nooksack River, by means of a contract with Whatcom County PUD 1, to supply the longer term needs of the community.~~

~~In 2002~~Between 2001 and 2003, a citizen group ~~developed~~completed a Community Plan for the Birch Bay Urban Growth Area and surrounding rural area. The Birch Bay Community Plan, as revised, was adopted as a Subarea of the Whatcom County Comprehensive Plan in 2004 and provides more detailed background information and policy direction regarding growth and development within Birch Bay. Where there are conflicts between the Birch Bay Community Plan and the Whatcom County Comprehensive Plan, ~~the~~the County Comprehensive Plan shall prevail.

In 1992, an attempt was made to incorporate Birch Bay; however, it was defeated by the voters. In 2008, the county completed an incorporation feasibility study for the Birch Bay UGA which identified the issues with and benefits of incorporating. It concluded that Birch Bay incorporation was financially feasible given the community's tax base and service needs. The community has not made another attempt to incorporate as of ~~2015.2009-~~

Columbia Valley/~~Kendall~~ UGA

Located in the northeast region of the developed portion of the county, the Columbia Valley UGA is the most populous area in the eastern part of Whatcom County.

The Columbia Valley area, like many other areas in Whatcom County, was originally developed to cater to a seasonal population, primarily Canadians who are allowed to spend up to six months per year in the United States. ~~2000 U.S. Census data indicates that approximately 32% of the existing housing was either seasonal or vacant.~~ However, this area has become attractive for permanent residents and has transitioned to a higher percentage of year-round residents. The lots are affordable and the current and projected development will provide an available work force for economic development.

Columbia Valley includes two large subdivisions, Paradise Lakes and Peaceful Valley, which are located along both sides of Kendall Road (SR547). The UGA also includes several lakes, a wetland complex along Kendall Creek, and some undeveloped land. The Columbia Valley was originally designated as an urban growth area in 1999. Between 2000 and ~~20132008~~, the population of the UGA has increased by ~~approximately 30%.more than 50%.~~ Additionally, the population increases in the summer because of the recreational units in the UGA.

Paradise Lakes has public roads and continues to utilize septic systems for sewage disposal. The Columbia Valley Water District (formerly Evergreen Water-Sewer District) provides public water service to residential and camper lots within the Paradise Lakes divisions. Peaceful Valley has private roads and a water and sewer system managed by Water District 13.

Public transit service is provided to the Columbia Valley/Kendall area by the Whatcom Transportation Authority (WTA). Local east-county law enforcement is provided by a ~~full-time resident~~ Sheriff's Deputy that is based out of ~~Kendall the~~

East Whatcom Regional Resource Center. The small town of Kendall, located outside of the UGA, has a commercial district, fire station, and an elementary school.

Sudden Valley Recreational Subdivision

~~Sudden Valley was established in the early 1970s as a recreation/resort area located in the Lake Whatcom Watershed. But over the last thirty years it has developed into an Urban Residential area. Sudden Valley has private paved roads, all underground utilities (electricity, gas, cable and telephone), and a public water and sewer system provided by Lake Whatcom Water and Sewer District. Fire District #2, strategically located in Sudden Valley, provides fire and ambulance service. Sudden Valley's 1,724 total acres originally included 4,648 platted single-family lots/condominiums, a limited commercial area, community facilities, a marina, and a golf course. Of the 1,545 acres, 835 acres of open space and 140 acres of golf course (63%) are community association owned. The remaining 749 acres (43%) are private property. 2000 US Census data indicates that approximately 26% of the existing housing in Sudden Valley is either seasonal or vacant.~~

~~Sudden Valley contributes to a high volume of vehicle trips on Lake Whatcom Boulevard and Lake Louise Road. Right-of-way and alignment studies have been proposed for the 6-year TIP to study alternatives, cost and location relative to addressing the growing volume of vehicular trips on Lake Whatcom Boulevard and Lake Louise Road. Public transportation services are provided by the Whatcom Transportation Authority (WTA).~~

~~Sudden Valley lies within the Lake Whatcom Watershed where limiting development has been identified as desirable. The Sudden Valley Community Association (SVCA) has a Board of Directors mandated lot consolidation program with a targeted density reduction of 1,400 lots, reducing the total lots for development from 4,648 to 3,248. To date approximately 75% (1,047 lots) have been placed into density reduction of which 452 are voluntary private lot consolidation. SVCA funding has been set aside to purchase additional lots for density reduction. In accordance with the 2000 Lake Whatcom Management Program, the County and Lake Whatcom Water and Sewer District have also assisted Sudden Valley with their density reduction program through several joint agreements and exchanges of property and restrictive covenants. To date, the SVCA, County, and Lake Whatcom Water and Sewer District have acquired 115 undeveloped lots in Sudden Valley at annual tax foreclosure auctions. The Lot Consolidation Covenant to Bind process has, also, increased voluntary private lot consolidation. The County Council has exempted Sudden Valley from the Lake Whatcom Transfer of Development Rights (TDR) program because Sudden Valley's density reduction plan meets the intent of the TDR program.~~

~~Since 1985, Sudden Valley has mandated the use of appropriate stormwater best management practices through standards for individual stormwater detention for all~~

~~new construction. Any new building permits on existing lots must be able to demonstrate that stormwater detention is included on the plan as a precondition to issuance of a permit. Sudden Valley is also subject to additional regulatory protections that apply to the Lake Whatcom watershed under the Water Resource Protection Overlay District, Stormwater Special District, and Water Resource Special Management Area requirements. Under the provisions of these special districts, potential impacts from impervious surfaces, stormwater runoff, and clearing activities are required to be addressed on-site.~~

~~Sudden Valley has implemented a 10-year Forest And Wildlife Stewardship (FAWS) plan with the State of Washington Department of Natural Resources (DNR). This plan provides environmental education and guidance to the Sudden Valley community, on a continuing basis, to assure sound environmental health and safety for plants, animals, and residents with an emphasis on properly managing flora and fauna indigenous to the region.~~

Goal 2BB: Recognize Birch Bay and the Columbia Valley area as county urban growth areas, not associated with existing cities.

Policy 2BB-1: ~~Work with the Birch Bay Water and Sewer District to foster water and sewer plans that are coordinated and consistent with the Whatcom County Comprehensive Plan. Work with Birch Bay Water and Sewer District and the City of Blaine to resolve any issues of jurisdiction, amend the District service area boundaries to be consistent with the revised Urban Growth Area and establish policies for provision of water service to portions of the District that were removed from the UGA.~~

Policy 2BB-2: ~~Work with North Whatcom Fire and Rescue, the Blaine School District, the Washington Department of Transportation and other interested parties to foster capital facility plans for the Birch Bay UGA that are coordinated and consistent with the Whatcom County Comprehensive Plan. Work with Birch Bay Water and Sewer District and the City of Blaine to resolve any issues of jurisdiction.~~

Policy 2BB-3 Recognize the resort nature of Birch Bay, including the significant second home factor when analyzing land supply for urban growth area boundaries. Recognize the recreational nature of a portion of the Columbia Valley UGA when analyzing land supply for urban growth area boundaries.

Policy 2BB-4: Birch Bay is unique with its traditional cottages on small lots that enhance the character of the area. In order to facilitate continuation of this traditional character, encourage small lot

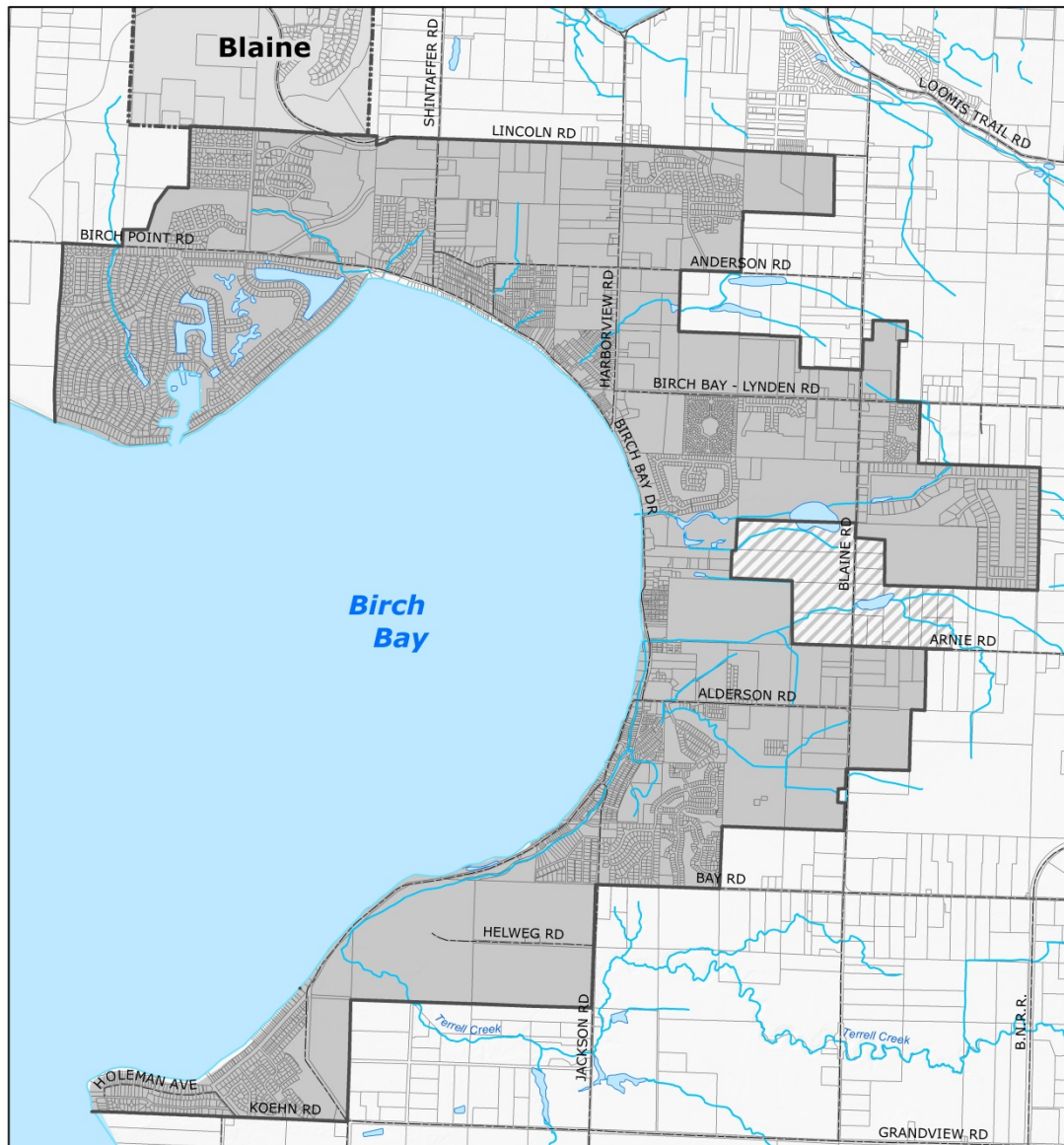
- 1 single family development in the Birch Bay UGA. Propose
 2 amendments to the Resort Commercial zoning district,
 3 applicable only to single family dwellings, that increase density
 4 to between 10 and 20 dwelling units/acre, reduce setbacks, and
 5 require pervious surfaces for driveways or other methods of
 6 stormwater infiltration.
- 7 Policy 2BB-5 Encourage incorporation of Birch Bay when financial viability can
 8 be achieved without including the Cherry Point Industrial Area
 9 within proposed city boundaries.
- 10 Policy 2BB-~~65~~: Recognize the impacts of tourist development on local residents
 11 in the Birch Bay, ~~Sudden Valley~~, and Columbia Valley UGAs and
 12 provide for mitigation of those impacts.
- 13 Policy 2BB-~~76~~: Work with Water District 13 and the Columbia Valley Water
 14 District to foster water and sewer plans that are coordinated and
 15 consistent with the Whatcom County Comprehensive Plan.
- 16 Policy 2BB-8 Work with Fire District 14, the Mount Baker School District, the
 17 Washington Department of Transportation and other interested
 18 parties to foster capital facility plans for the Columbia Valley
 19 UGA that are coordinated and consistent with the Whatcom
 20 County Comprehensive Plan.~~all parties to resolve infrastructure~~
 21 ~~and public service issues so that the Columbia Valley UGA can~~
 22 ~~develop to its full potential.~~ Capital facility plans should provide
 23 the information required by RCW 36.70A.070(3).
- 24 Policy 2BB-~~97~~: Study the Columbia Valley UGA to identify the factors necessary
 25 to create an economically viable city, the implications of such
 26 development within the County overall, and make
 27 recommendations as to how and when incorporation should be
 28 initiated.
- 29 Policy 2BB-~~108~~: Require unplatted areas in the Columbia Valley UGA to obtain
 30 “ability to serve” letters from schools, fire districts, and water
 31 and sewer service providers and demonstrate adequate road
 32 capacity in order to receive county approval for new
 33 subdivisions.
- 34 Policy 2BB-~~119~~: For new subdivisions, encourage the use of clustering with
 35 adequate setbacks along Kendall Creek, Kendall and Sprague
 36 lakes, and wetlands to avoid environmental degradation of
 37 surface waters, to enhance/restore fish habitat relative to
 38 complying with listings under the Endangered Species Act,
 39 where they might apply, and to protect the aquifer underlying
 40 the Columbia Valley.

- 1 | Policy 2BB-~~1210~~: For existing lots in the Columbia Valley UGA, encourage the use
 2 | of appropriate stormwater best management practices and
 3 | connection to public sewer to protect surface waters and the
 4 | aquifer. Any new building permits on existing lots must be able
 5 | to demonstrate that the water service is available to provide
 6 | adequate water as a precondition to the issuance of a permit.
- 7 | Policy 2BB-~~1311~~: Encourage use of low impact development (LID) standards in
 8 | the Columbia Valley UGA.
- 9 | Policy 2BB-~~1412~~: Recognize the need for light impact industrial land uses within
 10 | the Columbia Valley Urban Growth Area. Consider establishing a
 11 | light impact industrial zone located on the north side of
 12 | Limestone Road in accordance with the policies of the Foothills
 13 | Subarea Plan.
- 14 | Policy 2BB-~~1513~~: Recognize the Columbia Valley UGA as a developing urban
 15 | community with potential to establish a viable town center,
 16 | which includes commercial uses, a variety of residential housing
 17 | types, and institutional uses.
- 18 | ~~Policy 2BB-14: Facilitate meeting the unique needs of Sudden Valley due to its~~
 19 | ~~location within the Lake Whatcom Watershed.~~
- 20 | ~~Policy 2BB-15: Recognize the existing parcelization and the commitment for~~
 21 | ~~development of the remaining multi-family parcels in Sudden~~
 22 | ~~Valley.~~
- 23 | ~~Policy 2BB-16: Work with the Community Association towards achievement of~~
 24 | ~~the density reduction target of 1,400 lots within Sudden Valley.~~
- 25 | ~~Policy 2BB-17: If the county acquires lots through tax foreclosure, consider~~
 26 | ~~selling them as non-buildable lots.~~
- 27 | ~~Policy 2BB-18: Support Lake Whatcom Water and Sewer District's effort to~~
 28 | ~~maintain adequate sewer capacity and control stormwater run-~~
 29 | ~~off in keeping with appropriate environmental controls and the~~
 30 | ~~Sudden Valley Community Association's density reduction goal.~~
- 31 | ~~Policy 2BB-19: Explore alternatives for traffic impact mitigation including:~~
 32 | ~~• enhanced bus service to Sudden Valley.~~
 33 | ~~• consideration of some additional commercial and limited~~
 34 | ~~light industrial development within existing Neighborhood~~
 35 | ~~Commercial and Resort Commercial zones to create a~~
 36 | ~~fuller service community to limit shopping and journey to~~
 37 | ~~work trips.~~

- 1 ~~Policy 2BB-20: Recognize Sudden Valley as a "Recreational Subdivision".~~
- 2 ~~Policy 2BB-21: Work with all parties to maintain, and appropriately plan for~~
- 3 ~~infrastructure, public services, and stormwater retention so that~~
- 4 ~~Sudden Valley can develop to its appropriate potential.~~

Whatcom County | Comprehensive Plan

Map UGA-8



-Birch Bay Urban Growth Area

-  Incorporated City
-  Urban Growth Area
-  Urban Growth Area Reserve

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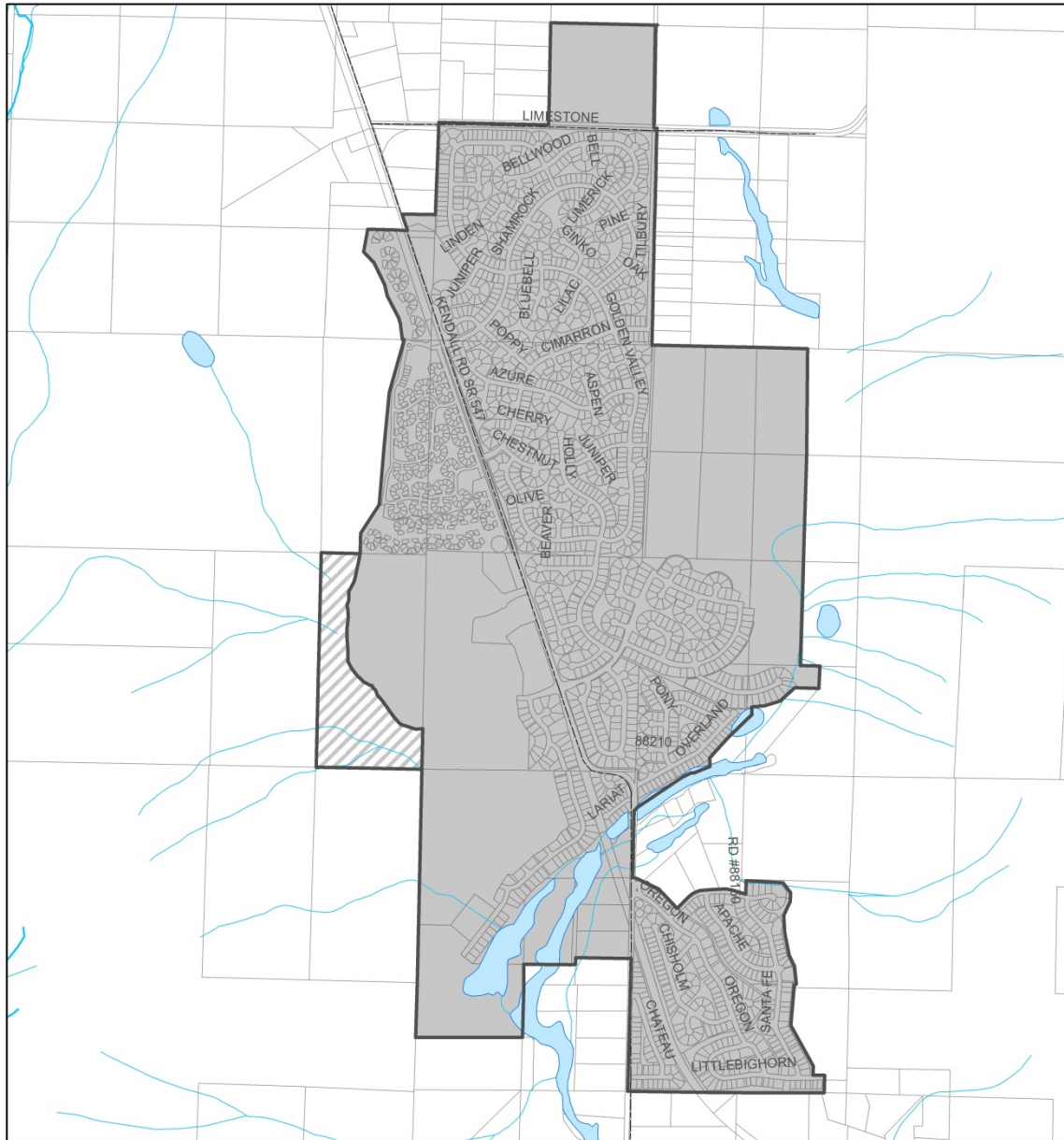
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Map UGA-9



- Columbia Valley Urban Growth Area

- Urban Growth Area
- Urban Growth Area Reserve

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Major Industrial Urban Growth Area / Port Industrial

Cherry Point

The Cherry Point Urban Growth Area (UGA) contains approximately 7,000 acres of industrial land. The land has long been planned and designated by Whatcom County for industrial development and is currently the site of three major industrial facilities including two oil refineries and an aluminum smelter. Together, ~~these three existing industrial developments~~ industries own ~~occupy~~ about ~~4,400~~ 4,100 acres of the total Cherry Point industrial lands. ~~In addition to existing industry, the planning and permitting for a new 1,100-acre bulk commodities shipping port in the Cherry Point UGA is nearly complete. The four major industrial areas (three existing and one proposed) together would consume about 5,200 acres of the heavy industrial land in the Cherry Point UGA or about 74 percent of the heavy industrial area. Land consumption at Cherry Point has been about 1,000 acres per facility on the average which includes sufficient land to avoid wetlands and provide buffer areas. Based on this consumption figure, there is only sufficient remaining land in the Cherry Point industrial area to support two additional industrial complexes of the character of those presently located there.~~

Because of the special characteristics of Cherry Point, this area has regional significance for the siting of large industrial or related facilities. Because of the large acreage demands of the types of industries likely to locate there, the remaining undeveloped acreage at Cherry Point will likely be absorbed during the 20 year planning period.

The Cherry Point shoreline also has great importance to the fisheries and ecology of Northern Puget Sound because it provides essential spawning habitat for what once was the largest herring stock in Washington State. This herring stock has supported important commercial fisheries in the past and provides forage for salmonids and other important marine species. In 2010, the DNR recognized the need to “protect the significant environmental resource of aquatic lands at Cherry Point” (CPAR Management Plan p. 1), completed the Cherry Point Environmental Aquatic Reserve Management Plan, and designated the Cherry Point Aquatic Reserve to ensure long-term environmental protection of the area. ~~In September 2003, the DNR accepted the recommendation that Cherry Point be further evaluated for Aquatic Reserve status. A supplemental EIS is currently being prepared for the proposed reserve. It is expected that the final supplemental EIS will be published in spring of 2005.~~ The ~~proposed~~ reserve extends from the southern boundary of Birch Bay State Park to the northern border of the Lummi Indian Nation Reservation. The site excludes three existing aquatic land leases (BP, Intalco, ~~Conoco~~Phillips 66 shipping piers) and one proposed aquatic land lease ~~(Gateway Pacific Terminal site).~~

The overall purpose of the Cherry Point Aquatic Reserve (AR) is to ensure long-term environmental protection for local habitats and species (CPAR MP p. 1). Specific

goals include protection and recovery (as applicable) of Cherry Point herring, Nooksack Chinook salmon, ground fish, marine mammals, seabird/duck and shorebird communities, Dungeness crab, and submerged native aquatic vegetation (CPAR MP p. 2). Another goal is to cooperate with other stakeholders “to minimize and reduce identified impacts of human activities on the species and habitats within the Reserve” (CPAR MP p. 2).

The Management Plan acknowledges that the existing industries, complying with laws and regulations, do not conflict with the Aquatic Reserve although their activities may pose risks for the Aquatic Reserve. Indeed, the industries’ need for buffer space and their compliance with shoreline management requirements means that much of the Aquatic Reserve shoreline is in substantially natural riparian vegetation and bluff processes proceed without interference. Existing industries can serve the Aquatic Reserve’s objectives so long as they are managed according to the Plan and so long as the lessees actively work to further goals for the Reserve (CPAR MP p. 2).

The County and industrial users have long recognized that the Cherry Point area exhibits a unique set of characteristics that makes land there not only locally but regionally important for the siting of major industrial developments especially where deep water access for shipping is a critical locational factor. These characteristics were articulated in the Overall Economic Development Plan (OEDP) for Whatcom County adopted by the Whatcom County Council of Governments in May, 1993, ~~and~~ in the 1997 Property Counselors Report on supply and demand for industrial land in Whatcom County and at Cherry Point, the 2002 Greater Whatcom Comprehensive Economic Development Strategy, ~~and~~ the 2003 Whatcom County Industrial Land Study, and the 2015 Whatcom County Comprehensive Economic Development Strategy.

The characteristics that make Cherry Point unique as a site for major industrial development include the following:

Port Access – The marine waters off Cherry Point provide deep water access for shipping. Deep water access for shipping was a major siting consideration for the three major industries currently located at Cherry Point and for the ~~two~~ industrial/shipping facilities currently being proposed.

Rail Access – Cherry Point is served by a branch line of the Burlington Northern mainline serving western Washington from Blaine to Portland. Rail service is considered to be vital to statewide as well as local interests for the competitive movement of freight. Rail service is particularly important in relation to water borne commerce. The Cherry Point area has the rail access to support marine terminals and industrial users in the area. The BP refinery at Cherry Point uses the railroad to ship calcined coke to U.S. markets and to other port facilities for transshipment to foreign markets. Both the BP and Phillips 66 refineries receive crude oil shipments by rail.

Proximity to Canada, Alaska and Foreign Ports - Cherry Point occupies a unique location for the siting of industry because of its close proximity to Canada and because of its shorter travel distance than other regional port facilities for shipping to Alaska and to other Pacific Rim locations. The Cherry Point industrial area benefits from proximity to Canada, as trade between the U.S. and Canada grows in response to the lifting of trade barriers under the Free Trade Agreement. ~~of 1989. Canadian exports to the U.S. are expected to increase and Canadian firms exporting to the U.S. are expected to seek locations in the U.S. as a way of improving access to U.S. markets. The City of Sumas is already experiencing an influx of Canadian industries seeking to improve access to U.S. markets.~~ Additionally, just as other port facilities in Washington are constrained by lack of extensive upland areas to support major industrial development, Canadian port facilities are likewise constrained. There are limited expansion sites available at Roberts Banks and in the Vancouver Harbor, and development sites further up the Fraser River are constrained by limitations on vessel draft. Marine terminals at Cherry Point could serve a portion of the potential growth in Canadian marine cargo.

Presence of Necessary Utilities and Infrastructure

Cherry Point ~~is has been~~ a major industrial area in Whatcom County. ~~since the 1960's. The BP oil refinery, ConocoPhillips Oil Refinery and the Alcoa Aluminum Plant have all been operating at Cherry Point for more than thirty years. The Phillips 66 Ferndale Refinery was constructed in 1954, the Alcoa Intalco Works Aluminum Smelter in 1966, and the BP Cherry Point Refinery in 1971.~~ The infrastructure to support these industries and future industrial users at Cherry Point is in place and includes the following:

Electric Power: Electric Power is available from three providers in the Cherry Point area: Puget Sound Energy, Public Utility District #1 (PUD #1), and Bonneville Power Administration.

Puget Sound Energy owns two electrical generating facilities at Cherry Point. The electricity generated by these two facilities can be transmitted outside the region into the grid for supply to Puget's customers or some of it can be consumed by Cherry Point customers through interties with the PUD #1. Puget Sound Energy also acquires power from outside the region and transmits it via their transmission grid into Cherry Point. The BP Cherry Point Refinery purchases electrical supply on the market and pays Puget Sound Energy to transmit the power and operate distribution systems to provide that power to the refinery.

PUD #1 purchases electricity from the Bonneville Power Administration and takes ownership of that power at the Bonneville substation in Bellingham and then transmits it over its transmission line to Cherry Point to serve the Phillips 66 Ferndale Refinery.

PUD #1 and Puget Sound Energy have interties at Cherry Point allowing the transmission of power in and out of Cherry Point depending on the amount of power generated and consumed at Cherry Point.

The Bonneville Power Administration supplies power directly to the Alcoa Intalco Works aluminum production facility.

~~One of these providers, Puget Sound Energy, has a combustion turbine generating facility located in the Cherry Point industrial area. An additional cogeneration facility is proposed at the BP Refinery. The high cost of electrical power has been a problem for Cherry Point industrial users over the past few years. The proposed cogeneration facility could help stabilize the supply of electricity.~~

Water: Whatcom County Public Utility District #1 currently provides industrial process water to all major industrial facilities at Cherry Point and has contracts in place to provide process water to properties that are currently undeveloped.~~two major undeveloped parcels and provides potable water to the BP refinery~~ PUD # 1 also operates a small system to provide potable water to one industry (Praxair). Birch Bay Water and Sewer District provides potable water to the BP Cherry Point Refinery. The other industries operate their own water treatment facilities ~~and treat process water~~ to provide potable water for their facilities.

Sewer: Sewer service is not typically required for large industrial developments. Most of the existing industrial users provide their own on-site sewage treatment and waste water treatment. Sewer service for domestic wastewater is provided to the BP Refinery by the Birch Bay Water and Sewer District. If and when sewer service should become necessary for other industries, service could be provided on a contractual basis with the Birch Bay Water and Sewer District, which borders the Cherry Point industrial area on the north.

Natural Gas: Natural gas is currently available at Cherry Point.

All-weather Roads: Grandview and Slater Roads, the major east-west connectors between Cherry Point and Interstate-5, ~~provides~~ all-weather road access to Cherry Point.

The industries currently located at Cherry Point are a substantial part of the economic base of Whatcom County and the region and the economic welfare of the county is strongly tied to the health of these industries and their ability to flourish and expand as opportunities present themselves. These industries need to be protected from the inappropriate encroachment of incompatible uses; particularly residential uses that could affect their ability to expand. The best means for protecting these industries from incompatible adjoining uses and to assure their continued regulatory conformity is to maintain the industrial land use designation of these lands and adjoining properties currently designated for industrial development. The Cherry Point industrial lands have been designated for industrial

development and as a direct result of the industrial designation, incompatible and inappropriate residential development has been curtailed.

Goal 2CC: **Maintain Cherry Point as an unincorporated urban growth area based on its unique location and characteristics and its significant contribution to the overall industrial land supply and Whatcom County's tax base.**

Policy 2CC-1: Designate Cherry Point as a major industrial Urban Growth Area to accommodate major users that need to be located away from concentrated urban residential areas and that can manage their activities in such a way that they do not conflict with the goals of the Aquatic Reserve Management Plan.

Policy 2CC-2: Ensure that developments in the Cherry Point UGA maintain management plans to accomplish the goals of the Aquatic Reserve Management Plan.

Policy 2CC-3: Assure that Cherry Point's unique features of large parcelization, port access, and transportation availability are maintained and protected from incompatible development.

Policy: 2CC-~~4~~3: Require the master planning of each large parcel in advance of any development or subdivision at Cherry Point.

Policy: 2CC-~~5~~4: Require the designation and site plan for a major user (generally 40 acres or more) before the development of accessory or supporting uses to assure that accessory or supporting uses are compatible with and will not interfere with the major industrial user.

Policy: 2CC-~~6~~5: Specify 160 acres as a minimum area for planning, prior to the commitment of a parcel for a major user (40 acres or more, singularly or as a cluster or group).

Policy: 2CC-~~7~~6: Permit support activities, warehousing, shipping, machine repair and service, educational services, food service and conveniences, to locate on a parcel only after the completion of a master plan, and the identification and site plan approval for the major user.

Policy 2CC-~~8~~7: ~~Resist inclusion of~~ Exclude Cherry Point as part of any future incorporation of Birch Bay.

- to protect interests of the property owner in terms of taxation and urban regulations;
- to preclude urbanism near "smokestack" industries;

- to preserve county government tax base.

Policy 2CC-~~98~~: Continue to work with service providers that serve Cherry Point to ensure the delivery of services and to allow it to develop to its fullest potential.

Policy 2CC-~~109~~: It is the policy of Whatcom County to limit the number of piers at Cherry Point by establishing a development moratorium. Notwithstanding the above, this moratorium shall not affect, nor otherwise apply to, any proposed pier that Whatcom County approved under its Shoreline Management Program prior to adoption of the moratorium.

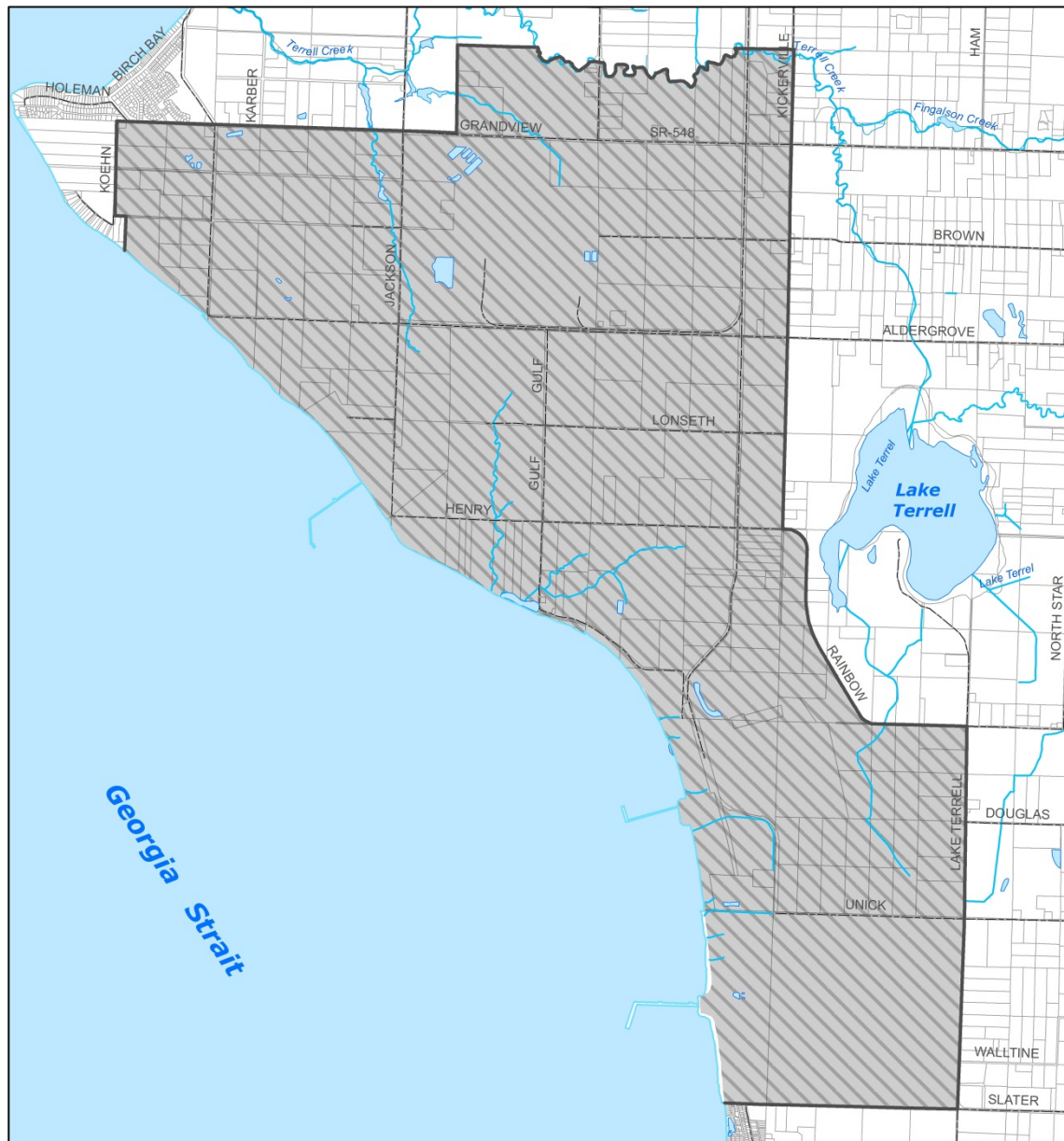
Policy 2CC-~~1140~~: RCW 36.70A.365 requires the implementation of Traffic Demand Management (TDM) programs for the designating of a Major Industrial Urban Growth Area. Any employer in the Cherry Point Urban Growth Area that employs one hundred or more full-time employees at a single worksite who begin their regular work day between 6:00 am and 9:00 am on weekdays for at least twelve continuous months during the year are required to meet the TDM requirements of WCC 16.24.

Policy 2CC-12: Work with the Cherry Point industries to maximize public access to the Cherry Point beaches without compromising industrial security.

Policy 2CC-13: Cooperate with the DNR and existing industries to monitor the effects of industrial activities on water quality and habitat functions in and adjacent to the Cherry Point Aquatic Reserve.

Whatcom County | Comprehensive Plan

Map UGA-10



- Cherry Point Urban Growth Area

 Major Port/Industrial UGA

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0 0.25 0.5 1 Miles



1 Rural Lands

2 Introduction

3 Purpose

4 The purpose of the Rural Lands section is to provide direction for land use decisions
5 in the rural areas of Whatcom County.

6 GMA Requirements

7 The state Growth Management Act (GMA) requires counties to include a Rural
8 element in their comprehensive plan in accordance with RCW 36.70A.070. GMA
9 defines rural lands as those that are located outside urban growth areas and which
10 do not include designated agriculture, forestry, or mineral resource lands of long-
11 term commercial significance. Agriculture, forestry and mineral resource lands are
12 addressed separately in *Chapter 8: Resource Lands*.

13 GMA requires counties to provide for a variety of rural densities and uses in its rural
14 areas, and to adopt measures to protect ~~the rural character of the area, as~~
15 ~~established by the county~~. The GMA (RCW 36.70A.030(15)) defines “rural
16 character” as “patterns of land use and development established by a county in the
17 rural element of its comprehensive plan:

- 18 • In which open space, the natural landscape, and vegetation predominate
19 over the built environment;
- 20 • That foster traditional rural lifestyles, rural-based economies, and
21 opportunities to both live and work in rural areas;
- 22 • That provide visual landscapes that are traditionally found in rural areas and
23 communities;
- 24 • That are compatible with the use of the land by wildlife and for fish and
25 wildlife habitat;
- 26 • That reduce the inappropriate conversion of undeveloped land into sprawling,
27 low-density development;
- 28 • That generally do not require the extension of urban government services;
29 and
- 30 • That are consistent with the protection of natural surface water flows and
31 ground water and surface water recharge and discharge areas.”

32 GMA allows counties to designate “limited areas of more intensive rural
33 development” (LAMIRDs) where more intensive uses have been established within
34 their rural areas. Counties making such designations must adopt measures to
35 minimize and contain the existing areas or uses of more intensive rural
36 development. In its findings preceding the GMA, the legislature states that rural

counties must have flexibility to create opportunities for business development and must have the flexibility to retain existing businesses and allow them to expand.

Rural Character and Lifestyle

Rural Whatcom County is the portion of the County not planned for either urban or resource use and its character differs from that of the County's urban and resource areas. While agriculture and forestry are practiced in the rural areas, it is generally on a smaller scale than in the resource areas that are set aside specifically for those purposes. The rural areas provide an important buffer between urban areas and resource lands, and the character of the rural areas is differentiated from the urban areas by less intensive uses and densities, and greater predominance of vegetation, wildlife habitat, and open space.

Small unincorporated communities have existed in the rural areas for many decades but have not become urban centers. Land uses in these communities are more intensive than those in the surrounding rural areas, and provide rural residents places to shop, eat, play, etc, and access public services such as schools, libraries, and post offices without having to travel to cities. The businesses in these communities are important contributors to the economy of Whatcom County. Even outside these settlements, residents of the rural areas have established home occupations, cottage industries, and small-scale businesses that are an important part of the County's traditional rural economy.

Historically, rural Whatcom County has been a place of great variety. Residential densities vary greatly from homes on 10 or 20 acre lots to lots smaller than one acre in the rural communities and neighborhoods that have been established over the years. The scale and intensity of rural businesses varies from the home occupations, cottage industries, and resource-based industries to the more intensive commercial and manufacturing uses, though the County's largest commercial and industrial uses have been established in the urban areas.

Whatcom County's rural lifestyle is one where residents enjoy views of a green landscape dotted by homes and barns, and have an appreciation for clean water and air. Residents can work and shop in small rural communities, or earn a living on their own rural lands, but these enterprises do not detract from the overall sense of openness and predominance of the landscape in the rural area. Rural Whatcom County has long been a place to raise children with the values of hard work and responsible stewardship of the land, and where residents can grow food and livestock for themselves or for market. While rural property owners do not expect to be provided with urban-level services, they enjoy a quality of life and sense of self-sufficiency not ordinarily found in the urban areas.

In the rural element of this chapter, Whatcom County establishes policy consistent with the findings of the legislature and with the above vision of rural character and lifestyle that will:

- Help preserve rural-based economies and tradition lifestyles,
- Encourage the economic prosperity of rural residents
- Foster opportunities for small-scale, rural-based employment and self employment,
- Permit the operation of rural-based agriculture, commercial, recreational, and tourist businesses that are consistent with existing and planned land use patterns,
- Be compatible with the use of the land by wildlife and for fish and wildlife habitat,
- Foster the private stewardship of the land and preservation of open space, and
- Enhance the rural sense of community and quality of life.

Goal 2DD: Retain the character and lifestyle of rural Whatcom County.

Policy 2DD-1: Concentrate growth in urban areas per the population projections in Chapter 1 of this plan, and recognize rural lands as an important transition area between urban areas and resource areas. ~~As part of the population growth monitoring report required in Policy 2S-5, compare non-urban population growth trends with the adopted non-urban population growth projection. If the trend over five years indicates that non-urban growth is significantly higher than By February 1 of each year the department will publish a report that monitors residential development activity outside the urban growth areas during the previous year and compares that data with the adopted population growth projection for those areas. If it is apparent that growth occurring outside the urban growth areas is inconsistent with~~ adopted projections, the County shall take action to address the discrepancy. Actions may include changing the allocation of the projected population growth during the comprehensive plan update required per RCW 36.70A.130(1), or changing development regulations to limit growth outside the urban growth areas. In addition, as the County and cities review the capacity for growth in the urban growth areas, the county should coordinate with the cities to ensure that policies are in place that are consistent with encouraging growth in the urban areas and reducing demand for development in rural areas.

Policy 2DD-2: Protect the character of the rural area through the County's development regulations. In addition to the policies of this plan that provide measures governing rural development, the following County's key development regulations are

1 incorporated into this plan by reference to assure that the plan
2 contains measures to protect rural character:

3 A. Measures to contain or otherwise control rural development
4 and reduce the inappropriate conversion of undeveloped land
5 into sprawling, low-density development:

6 1. Limit the expansion of areas of more intensive
7 development and higher rural densities through Policies
8 2A-8, 2A-9, 2DD-1, 2DD-8, 2GG-2, 2GG-3, 2JJ-1 through
9 8, 2KK 1 and 2, 2LL-1 through 4, and 2MM-1 through 4 of
10 this plan.

11 2. Provide options to reserve areas of land suitable for
12 agriculture, forestry, or open space through lots
13 clustering in the following Zoning Code provisions,
14 adopted herein by reference:

15 a. WCC 20.32.305, .310, and .320, Lot clustering,
16 Residential Rural District;

17 b. WCC 20.34.305, .310, and .320, Lot clustering, Rural
18 Residential Island District;

19 c. WCC 20.36.305, .310, and .320, Lot clustering, Rural
20 District;

21 d. WCC 20.71.350, .351, and .352, Lot clustering,
22 Water Resource Protection Overlay District.

23 3. Prohibit short subdivisions outside of urban growth areas
24 and limited areas of more intensive rural development
25 that would require extension of public sewer except for
26 health or safety reasons through the following Whatcom
27 County Land Division regulations adopted herein by
28 reference:

29 a. WCC 21.04.090, Sewage Disposal, Short
30 Subdivisions.

31 b. WCC 21.05.090 Sewage Disposal, Preliminary Long
32 Subdivisions.

33 B. Measures to assure visual compatibility of rural development
34 with the surrounding rural area:

35
36 1. Ensure that the visual landscapes traditionally found in
37 rural areas and communities are preserved through

1 limitations on structural coverage of lots in the following
2 Zoning Code provisions, adopted herein by reference:

3 a. WCC 20.32.450 Lot coverage, Residential Rural
4 District;

5 b. WCC 20.36.450 Lot coverage, Rural District.

6 2. Require that lots developed under the lot clustering option
7 be designed and located to be compatible with valuable or
8 unique natural features as well as physical constraints of
9 the site through standards provided in the following
10 Zoning Code provisions, adopted herein by reference:

11 a. WCC 20.32.310 Lot clustering design standards,
12 Residential Rural District;

13 b. WCC 20.34.310 Lot clustering design standards,
14 Rural Residential-Island District;

15 c. WCC 20.36.310 Lot clustering design standards,
16 Rural District;

17 d. WCC 20.71.351 Lot clustering design standards,
18 Water Resource Protection Overlay District.

19
20 3. Protect the aesthetic assets of the rural areas and soften
21 the impact of structures through landscape buffers and
22 setback requirements provided in the following Zoning
23 Code provisions, adopted herein by reference:

24 a. WCC 20.80.200 Setback requirements;

25 b. WCC 20.80.300 Landscaping.

26 4. In the Point Roberts Rural Community, regulated visual
27 aspects of development through the standards in the
28 following Zoning Code provisions, adopted herein by
29 reference:

30 a. WCC 20.72.350 Building setbacks/buffer areas, Point
31 Roberts Special District;

32 b. WCC 20.72.651 Facility design, Point Roberts Special
33 District;

34 c. WCC 20.72.653 Tree canopy retention, Point Roberts
35 Special District;

36 d. WCC 20.72.654 Site design/view corridors, Point
37 Roberts Special District.

38

C. Measures to protect critical areas and surface and groundwater resources:

1. Protect the functions and values of critical areas (geologically hazardous areas, frequently flooded areas, critical aquifer recharge areas, wetlands, and habitat conservation areas) and the ecological processes that sustain them, through WCC 16.16 Critical Areas provisions, adopted herein by reference.
2. Minimize the adverse effects of discharges from on-site sewage systems on ground and surface waters through WCC 24.05, adopted herein by reference.
3. Preserve and protect unique and important water resources through development standard in WCC 20.71 Water Resource Protection Overlay District and WCC 20.51 Lake Whatcom Watershed Overlay District, adopted herein by reference.
4. Protect surface and ground water resources through stormwater management standards established in the County's Development Standards per WCC 20.80.630 through .636, WCC 20.51 and 12.08.035 referenced in the following Zoning Code provision, adopted herein by reference:
 - a. 20.32.656 Drainage, Residential Rural District;
 - b. 20.34.659 Drainage, Rural Residential-Island District;
 - c. 20.36.656 Drainage, Rural District;
 - d. 20.37.655 Drainage, Point Roberts Transitional District;
 - e. 20.44.652 Drainage, Recreation and Open Space District;
 - f. 20.59.704 Drainage, Rural General Commercial District;
 - g. 20.60.655 Drainage, Neighborhood Commercial District;
 - h. 20.61.704 Drainage, Small Town Commercial District;
 - i. 20.63.654 Drainage, Tourist Commercial District;
 - j. 20.64.655 Drainage, Resort Commercial District;
 - k. 20.67.653 Drainage, General Manufacturing District;

- I. 20.69.655 Drainage, Rural Industrial and Manufacturing District.
5. Assure that subdivisions meet requirements for critical areas, shoreline management, and stormwater management through the standards in the following Whatcom County Land Division regulations, adopted herein by reference:
 - a. WCC 21.04.034 Application Procedures, Short subdivisions.
 - b. WCC 21.05.037 Hearing Examiner Notice Hearing and Decision, Preliminary Long Subdivisions.
6. Limit water withdrawals resulting from land division through the standards in the following Whatcom County Land Division regulations, adopted herein by reference:
 - a. WCC 21.04.090 Water supply, Short Subdivisions.
 - b. WCC 21.05.080 Water supply, Preliminary Long Subdivisions.
7. Regulate groundwater withdrawals by requiring purveyors of public water systems and private water system applicants to comply with Washington State Department of Ecology water right requirements per WCC 24.11.050, adopted herein by reference.
8. Require evidence of an adequate water supply prior to issuance of any building permit, per WCC 24.11.060, adopted herein by reference.
9. Determine adequacy of water supply for building permit applications proposing to use a well, spring, or surface water, per WCC 24.11.090, .100, .110, .120, .130, .160, and .170, adopted herein by reference.
10. Limit phosphorus entering Lake Whatcom through WCC 20.51 Lake Whatcom Watershed Overlay District and Lake Whatcom and Lake Samish due to the application of commercial fertilizers to residential laws and public properties through WCC 16.32, adopted herein by reference.
11. Protect vital drinking water, sensitive habitats, and recreational resources within the Department of Ecology's designated Western Washington Phase II Municipal Stormwater Permit area and the Lake Whatcom watershed by prohibiting illicit discharges to

the county's stormwater collection system through WCC 16.36 Illicit Discharge Detection and Elimination Program, adopted herein by reference.

12. Maintain standards for clearing activity in highly valued water resource areas, environmentally sensitive areas, or areas where natural conditions are so unstable that clearing activity in the area can result in hazardous conditions per WCC 20.80.735 Water Resource Special Management Area, adopted herein by reference.

D. Measures to protect against conflicts with the use of agricultural, forest, and mineral resource lands:

1. Ensure separation of new residences from agricultural and forestry uses through setback requirements in the following Zoning Code provisions, adopted herein by reference:
 - a. WCC 20.80.255 Agricultural District, Supplementary Requirements;
 - b. WCC 20.80.256 Forestry districts, Supplementary Requirements;
 - c. WCC 20.80.258 All districts, Supplementary Requirements.
2. Ensure separation of businesses from agricultural uses through setback requirements in the following Zoning Code provisions, adopted herein by reference:
 - a. WCC 20.59.600 Buffer area, Rural General Commercial District;
 - b. WCC 20.60.550 Buffer area, Neighborhood Commercial District;
 - c. WCC 20.61.600 Buffer area, Small Town Commercial District;
 - d. WCC 20.63.600 Buffer area, Tourist Commercial District;
 - e. WCC 20.64.550 Buffer area, Resort Commercial District;
 - f. WCC 20.67.550 Buffer area, General Manufacturing District;
 - g. WCC 20.69.550 Buffer area, Rural Industrial and Manufacturing District.

3. Require that all discretionary project permits within one half mile of areas designated in this plan as Rural, Agriculture, Commercial Forestry, or Rural Forestry, or within 300 feet of areas designated as Mineral Resource Lands, be subject to disclosure practices in the in the following Whatcom County Code provisions, adopted herein by reference:

- a. WCC 20.40.662 Use of Natural Resources, Agriculture District;
- b. WCC 20.42.652 Use of Natural Resources, Rural Forestry District;
- c. WCC 20.43.662 Use of Natural Resources, Commercial Forestry District;
- d. WCC 14.02 Right to Farm;
- e. WCC 14.04 Right to Practice Forestry;
- f. WCC 14.16 Mineral Resource Land Disclosure.

Policy 2DD-3: Encourage property owners to conserve forested areas, agricultural land, and open space by utilizing current-use taxation provisions (*RCW 84.34*).

Policy 2DD-4: Conserve open space, park land, and trails for recreational use, as well as to protect essential habitat such as riparian areas and wetlands.

Policy 2DD-5: Use an "Agriculture Protection Overlay Zone" designation in certain Rural zoned areas as a way to help achieve the goal of conserving and enhancing Whatcom County's agricultural land base.

Policy 2DD-6: In the "Agriculture Protection Overlay Zone" on parcels 20 acres and larger with Rural 5 acre and Rural 10 acre zoning, require non-agriculturally related development to be clustered where it would not create more conflicts with accepted agricultural practices, on a maximum of 25 percent of the available land with the remainder available for open space and agricultural uses. Development standards shall provide flexibility to achieve development potential in cases of natural limitations.

Policy 2DD-7: Maintain the historic character and cultural roles of each rural area and community.

Policy 2DD-8: Allow more intensive uses in limited areas of more intensive rural development designated consistent with *RCW*

36.70A.070(5)(d), which provide public and commercial services and employment opportunities. Reduce the inappropriate conversion of undeveloped land into sprawling, low density development in the rural area by establishing clearly defined boundaries for these areas as well as criteria for creating or changing those boundaries consistent with RCW 36.70A.070(5)(d).

Policy 2DD-9: ~~Assure~~Promote economic prosperity for rural areas and allow rural property owners reasonable use of their land by continuing to allow legal nonconforming uses.

Policy 2DD-10: Adopt incentive programs, such as purchase of development rights, transfer of development rights, and tax deferrals, to achieve desired land use policies in rural areas and in areas where there are compelling reasons to do so.

Rural Services

Development in rural areas should not receive urban levels of service except where necessary to protect public health, safety, and the environment. Services should be coordinated to ensure that rural areas receive appropriate services including law enforcement protection, fire protection, and emergency services. The Whatcom County Public Works Department maintains county roads. Most of the residential development in rural areas uses individual on-site septic systems. Some drinking water is provided by on-site wells and in other cases it is provided by water districts or water associations.

Goal 2EE: Ensure that rural areas are provided with services consistent with the rural character and that development patterns do not encourage an increased service level or degrade water quality.

Policy 2EE-1: Recognize domestic water systems, volunteer fire protection, emergency services, law enforcement protection, transportation, public transit services and public utilities typically associated with rural development as appropriate services in designated rural areas. Rural services do not include storm or sanitary sewers.

Policy 2EE-2: Coordinate and plan public facilities, services, roads, and utilities to ensure that rural areas have appropriate and adequate rural levels of service necessary to maintain a rural lifestyle. Coordinate with rural service providers to ensure efficient and effective service to rural areas.

Policy 2EE-3: Pursue measures through which new development would help pay for increased demands on critical rural services such as fire and emergency service.

Policy 2EE-4: Prohibit extension or expansion of municipal public sewer systems outside urban growth areas or LAMIRDs except where it is necessary to protect public health, safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development.

Policy 2EE-5: Ensure that adequate on-site wells and on-site sewage and septic systems are properly installed, monitored, and maintained. Provide technical assistance to property owners, and require necessary improvements when needed to protect health, safety and environmental quality.

Policy 2EE-6: Promote better land use practices and protect water quality by encouraging landowners and developers to investigate and implement innovative subdivision, septic system designs, and stormwater management.

Policy 2EE-7: Ensure county coordination with service providers to determine if new or infill development will have necessary services. Require concurrent review of new development to ensure adequate level of service at rural standards are available at the time of development.

Policy 2EE-8: Public services and public facilities necessary for rural commercial and industrial uses shall be provided in a manner that does not permit low-density sprawl. Uses may utilize urban services that previously have been made available to the site.

Rural Employment Opportunities

Many residents in rural Whatcom County depend on cottage industries, home occupations, small businesses, and natural resource-based jobs for their livelihood. These types of businesses support the local economy and are compatible with the rural lifestyle desired by county residents.

Commercial and industrial uses located within Rural Communities, Rural Tourism, and Rural Business areas are also important contributors to the local economy, providing jobs and services to rural residents.

Goal 2FF: Provide employment opportunities in the rural parts of Whatcom County.

Policy 2FF-1: Support small businesses, cottage industries, home occupations, resource-based, tourist, recreational, and other appropriate industries in the rural areas of Whatcom County. New rural commercial and industrial uses that are more intensive than those permitted within rural zones as home occupations or cottage industries should be located within designated Rural Communities and Rural Business areas.

Policy 2FF-2: Support resource-based industries that require only rural services, conserve the natural resource land base, and help maintain the rural character and lifestyle of the community. Assure adequate facilities, mitigation and buffers through development regulations.

Policy 2FF-3: Ensure that business operations do not adversely impact adjacent residential, agricultural or forest land, or compromise water quality and quantity.

Policy 2FF-4: Allow home-based occupations, cottage industries and small-scale tourist and recreational uses throughout the rural area provided they do not adversely affect the surrounding residential uses, agricultural uses, forestry uses, or rural character.

~~Rural Lands~~ — Land Use

Rural Designation

Lands outside the County's urban and resource areas include a variety of uses and densities. Traditionally, Whatcom County's rural areas have been characterized by a spectrum of uses ranging from farms and large-lot residential areas to recreational communities and small towns. The more intensive uses in that spectrum (commercial/industrial areas and residential areas with densities greater than one unit per five acres) are contained within the boundaries of Rural Community, Rural Tourism, or Rural Business designations (LAMIRDs) and Neighborhood designations.

The remainder of the rural areas are designated Rural and contain traditional rural residential and farm uses as well as small home-based and conditionally-permitted businesses. The rural character of the lands designated as Rural should not be compromised by the encroachment of more intensive development. Commercial and industrial uses in the rural areas not contained within a Rural Community designation must meet GMA criteria for small-scale tourism or isolated business uses (RCW 36.70A.070(5)(d)(ii) and (iii)).

Portions of the rural area that historically contain larger lots have been zoned for densities of one dwelling per ten acres. These areas provide for a variety of densities important to the rural character and shall be retained. Rezones from R10A

to allow higher densities are limited to those R10A areas that are adjacent to established higher densities.

Goal 2GG: Designate Rural areas to contain a variety of uses and densities while retaining their traditional rural character.

Policy 2GG-1: Provide a variety of residential choices at rural densities which are compatible with the character of each of the rural areas.

Policy 2GG-2: The Rural designation includes areas of traditional rural uses and gross residential densities at or below one unit per five acres. To reduce the inappropriate conversion of undeveloped land into sprawling, low density development in the rural area, more intensive development shall be contained within Rural Community, Rural Tourism, or Rural Business designations, which are limited areas of more intensive rural development (LAMIRDs), and predominantly residential areas with established densities greater than one unit per five acres shall be contained in Rural Neighborhood designations.

Policy 2GG-3: Proposed Uses and densities within the Rural designation should reflect established rural character. Rezones within the Rural designation should be consistent with the established rural character and densities. Land in the R10A district may be rezoned to a rural zone that allows a higher density only if:

A. Residential density (the average size of parcels that contained a residence as of January 1, 2013) within 500 feet of the area to be rezoned is less than 7.5 acres.

B. The proposed rezoning area is not in a designated urban growth area reserve, and

C. The proposed rezoning area is not within an area designated as a rural study area in the 2007 Rural Land Study accepted by the County in Resolution 2009-040.

Policy 2GG-4: Minimize potential conflicts of rural residential development near designated natural resource lands to prevent adverse impacts on resource land uses.

Policy 2GG-5: Provide landowners with incentives and options to develop their property at densities that may be less than the underlying zone, when necessary to protect critical areas and high-value resource lands.

Policy 2GG-6: Ensure that flexible development patterns such as cluster subdivisions effectively preserve open space and agricultural

land and do not create the need for more intensive rural services.

Policy 2GG-7: Development within Rural designations shall be consistent with rural character as described in this chapter.

Limited Areas of More Intensive Rural Development (LAMIRDs)

RCW 36.70A.070(5)(d)(i) through (iii) allows counties to designate limited areas of more intensive development (LAMIRDs) for three types of development patterns in the rural areas:

Type I: “Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas...” Existing development is defined as that which existed on July 1, 1990.

Type II: “The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those...uses, that rely on a rural location and setting...”

Type III: “The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents...”

Areas designated in this plan as Rural Communities are Type I LAMIRDs. Rural Tourism designations are Type II LAMIRDs and Rural Business designations are Type III LAMIRDs.

The purpose of LAMIRDs is to place limits on more intensive development and prevent it from adversely affecting the character of the surrounding rural areas. Rural Communities (Type I LAMIRDs) are areas characterized by more intensive uses at the time Whatcom County began planning under GMA. Rural Tourism designations (Type II LAMIRDs) apply to lots that contain small-scale tourist uses. Rural Business designations apply to lots that contain isolated small-scale business. The criteria listed under Goal 2HH were used to designate Rural Communities and Rural Business areas (the Type I and Type III LAMIRDs) in 2010 and should be used to establish future Rural Tourism and Rural Business designations (Type II and III LAMIRDs) and to evaluate future proposed modifications to Rural Community, Rural Tourism, and Rural Business designations (Type I, II, and III LAMIRDs).

Goal 2HH: Establish LAMIRD Designation Criteria

Policy 2HH-1: Rural Community (Type I LAMIRD) designation criteria

- A. Location Criteria. Rural Communities may be designated in an area that:
 1. Was characterized by existing development more intensive than surrounding rural areas (residential or non-residential) as of July 1, 1990, and
 2. Is not currently designated by the Comprehensive Plan as Urban Growth Areas (UGAs) or Resource Lands, and
- B. Additional Location Criteria. The following may serve as additional criteria for Rural Community designation (relative to the specific circumstances of the area, and in combination with each other):
 1. The existing (1990) residential built environment was more intensively developed than surrounding areas;
 2. Public services are available to serve potential infill, such as adequate potable water and fire protection, transportation facilities, sewage disposal and stormwater control; or
 3. The area is planned for more intensive development in a post-GMA local subarea plan.
 4. Existing zoning prior to designation as a Rural Community, except existing zoning may not be a sole criterion for designation.
- C. Outer Boundary Criteria. For land meeting the criteria described in A and B above, Rural Community boundaries must minimize and contain areas of intensive development and be delineated predominately by the built environment, and shall include:
 1. Areas that were intensively developed and characterized by the built environment (including water lines or other utility lines with capacity to serve areas of more intensive uses) on July 1, 1990.
 2. Areas that on July 1, 1990 were not intensively developed may be included within Rural Community boundaries if they meet any of the following conditions:
 - a. Including the area helps preserve the character of an existing (built) natural neighborhood;
 - b. Including the area allows the logical outer boundary to follow a physical boundary such as bodies of water, streets and highways, and land forms and contours;

- c. Including the area (or in limited cases, a portion of the parcel) prevents the logical outer boundary from being abnormally irregular;
- d. Including the area is consistent with efficient provision of public facilities and services in a manner that does not permit low-density sprawl;
- e. Including the area does not create a new pattern of low-density sprawl.

Policy 2HH-2: Rural Tourism (Type II LAMIRD) designation criteria

A. Location Criteria. Rural Tourism may be designated on land that:

- 1. Consists of one lot, or more than one lot, and
- 2. Is not currently designated by the Comprehensive Plan as Urban Growth Areas (UGAs) or Resource Lands, and
- 3. Is characterized by the intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those uses, that rely on a rural location and setting, but that do not include new residential development, other than a dwelling unit accessory to the business for use by the owner-manager or caretaker.
- 4. Does not exceed 20 acres.

B. Additional Criteria The following serve as additional criteria for Rural Tourism designation:

- 1. The area may include pre-existing residential development, but not new (except for dwelling units accessory to the business for use by the owner-manager or caretaker), and
- 2. The area may serve more than the local existing & projected rural population, and utility lines with capacity to serve areas of more intensive uses) on July 1, 1990.
- 3. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl.

Policy 2HH-3: Rural Business (Type III LAMIRD) designation criteria

A. Location Criteria. Rural Business may be designated on land that:

1. Is not currently designated by the Comprehensive Plan as Urban Growth Areas (UGAs) or Resource Lands, and
2. Consists of a lot or small group of lots that either:
 - a. Contain nonresidential uses and is located within a commercial, manufacturing, or industrial zoning district at the time of original county-initiated designation, or
 - b. Allow for new development of isolated cottage industries and isolated small scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents.

B. Additional Criteria.

1. A Rural Business designation on a lot or small group of lots containing nonresidential uses shall be separated from other LAMIRD designations, regardless of type, by no less than one-half mile by public road, except where the other LAMIRD is separated by a major physical feature such as a water body, freeway, major road, or other physical feature.
2. In the event that the listed criteria result in the need to choose one proposed designation over another, preference is given to a proposed use that:
 - a. Provides the greatest number of job opportunities for rural residents.
 - b. Is located at a controlled public road intersection.

Rural Communities

Rural Communities are areas that have historically served as centers of activity and services for surrounding rural areas, or have been established as more intensive rural residential development. In many cases, they are served by public services and facilities, including schools, libraries, post offices, and/or public transportation.

These areas are Type I LAMIRDs and include small unincorporated towns and other areas where a concentration of commercial and public uses have been in existence

since before the adoption of the GMA in 1990. Typically, these are mixed-use areas containing both residential and nonresidential uses developed at a greater intensity than is generally found in outlying rural areas. This more intensive development is contained within the boundaries of the Rural Community designations, preventing the expansion of more intensive uses and densities into the surrounding rural areas. Because undeveloped lots may be included within Rural Community boundaries, infill development is possible, but at an intensity consistent with the development that existed in 1990.

Areas designated as Rural Communities are: Acme, Axton & Guide Meridian, Birch Bay-Lynden & Valley View, Cain Lake, Custer, Deming, Diablo, Emerald Lake, Glacier, Hinotes Corner, Kendall, Lake Samish, Laurel, Lummi Peninsula, Maple Falls, Newhalem, Nugents Corner, Point Roberts, Pole & Guide Meridian, Sandy Point/Sandy Point Heights, Smith & Guide Meridian, Sudden Valley, Van Wyck, and Wiser Lake.

Goal 2JJ: Designate areas of more intensive rural development that existed on July 1, 1990 as Rural Communities.

Policy 2JJ-1: Areas designated as Rural Communities shall meet the criteria stated in this chapter and the requirements of RCW 36.70A.070(5)(d)(i), which describes limited areas of more intensive rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, including necessary public facilities and public services to serve the limited area.

Policy 2JJ-2: Boundaries of Rural Communities shall meet the criteria stated in this chapter, and the requirements of RCW 36.70A.070(5)(d)(iv), which requires limited areas of more intensive rural development to be clearly identifiable and contained within a logical outer boundary delineated predominately by the built environment as it existed on July 1, 1990.

Policy 2JJ-3: Additional Rural Communities shall not be designated, nor shall boundaries of Rural Communities be changed unless the area of the proposed addition meets the criteria stated in this chapter, and requirements of RCW 36.70A.070(5)(d) . Designated Resource Lands should not be redesignated as Rural Communities.

Policy 2JJ-4: Within the Rural Communities, encourage adequate economic development to provide current and future residents' employment needs, and provide rural residents places to shop, eat, and access to public services.

Policy 2JJ-5: Within Rural Communities development or redevelopment in terms of size, scale, use, or intensity shall be consistent with the character of the area on July 1, 1990.

Policy 2JJ-6: Lands inside Rural Community designation boundaries that are within low-density residential zones (one residence per five acres or less density) or resource zones, or are federally owned, should not be re-zoned to allow more intensive uses and densities.

Policy 2JJ-7: Land uses within Rural Communities, except for industrial uses, should be principally designed to serve the existing and projected rural population.

Policy 2JJ-8: Encourage future public participation activities to develop additional planning goals and policies specific to residents' needs and preferences in individual Rural Communities.

Rural Tourism

Whatcom County's scenic rural areas are enjoyed by residents and tourist alike. Small scale recreation or tourist uses that rely on a rural setting provide income opportunities for rural residents and contribute to the local economy. GMA allows counties to designate new Type II LAMIRDs for new small-scale recreation and tourist uses. The Rural Tourism designation limits and contains such uses, which can be more intensive than surrounding rural uses.

Goal 2KK: Provide opportunities for small-scale recreational or tourist uses in rural areas.

Policy 2KK-1: Lands designated for Rural Tourism shall meet the criteria stated in this chapter, and the requirements of RCW 36.70A.070(5)(d)(ii), which describes limited areas of more intensive rural development consisting of the intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those uses, that rely on a rural location and setting, but that do not include new residential development (other than a dwelling unit accessory to the business for use by the owner-manager or caretaker).

Policy 2KK-2: Designated Resource Lands shall not be redesignated as Rural Tourism.

Rural Business

Many businesses have been established in commercial and industrial zones outside of Rural Community areas. These uses, which are more intensive than those found in surrounding rural areas, provide commercial services and job opportunities for rural residents. The Rural Business designation permits uses to continue while preventing the spread of businesses in sprawl development patterns.

GMA allows counties to designate new Type III LAMIRDs for new isolated small-scale businesses. To ensure that these uses remain isolated and do not lead to strip development, criteria for Rural Business designation include spacing requirements from other Rural Business designations as well as Rural Communities.

The areas designated Rural Business under Type III guidelines are: Birch Bay-Lynden & I-5, Blue Canyon, Guide Meridian Border Crossing, North Lake Samish & I-5, Slater & Elder, Van Zandt, and Welcome.

Goal 2LL: Designate Rural Business areas to limit and contain nonresidential uses.

Policy 2LL-1: All lands designated Rural Business shall meet the Rural Business designation criteria stated in this chapter, and the requirements of RCW 36.70A.070(5)(d)(iii), which describes limited areas of more intensive rural development consisting of the intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses.

Policy 2LL-2: On lots in a Rural Business area where businesses did not exist on July 1, 2012, the new businesses shall be “small-scale” as described in the development regulations. On lots where businesses existed on July 1, 2012, development regulations should not hold the business to a “small-scale” standard.

Policy 2LL-3: Uses in the Rural Business designation need not be principally designed to serve the existing and projected rural population and nonresidential uses, but provide job opportunities for rural residents.

Policy 2LL-4: Designated Resource Lands shall not be redesignated as Rural Business.

Rural Neighborhoods

The GMA does not set a maximum allowed residential density for rural areas. A large majority of the lands designated as Rural are zoned for one residence per five or ten acres, however, a small proportion has been developed under a zoning that allows densities greater than one dwelling per five acres where public water service is available. These areas have their own unique rural character (as compared with the higher densities contained within LAMIRDs) and they serve to provide a needed

variety of rural densities. However, it is important to maintain the character of the more traditional rural areas and prevent expansion of these areas of higher rural densities beyond their traditional limits.

This plan recognizes the unique qualities of these established Rural Neighborhoods and contains them within boundaries that reflect the extent of these areas in 2011. Unlike the Rural Communities, these areas are not LAMIRDs.

GOAL 2MM: Designate Rural Neighborhoods to recognize and contain rural areas that have been established with predominantly residential uses with higher densities than surrounding rural areas.

Policy 2MM-1: Areas zoned for densities greater than one dwelling per five acres shall be contained within Rural Neighborhood boundaries. Rural Neighborhood boundaries shall not be expanded beyond those established in 2012, which were drawn to include areas that were developed at higher rural densities in 2011.

Policy 2MM-2: In the Whatcom County Code, the Rural and Rural Residential zoning districts may include Rural Residential Density Overlays that may be applied to areas within the Rural Neighborhood designation where higher density rural residential development has already occurred. The overlay should allow for infill development with lot sizes consistent with those of surrounding lots, where public water service is available. The overlay shall limit eligibility of lots based on the percentage of surrounding lots that were developed in 2011, and shall establish a maximum density that may be achieved using the overlay. The Rural Residential Density Overlays shall not be created or expanded outside of Rural Neighborhoods or into areas where higher density rural development has not occurred; such expansion is not consistent with maintaining the traditional character of the surrounding rural areas.

Policy 2MM-3: Rural Neighborhoods are designated adjacent to Urban Growth Areas only in areas where developed densities exceeded one dwelling per 2.5 acres in 2011, and there is little potential for efficient urban development in the future.

Policy 2MM-4: Urban governmental services shall not be extended into a Rural Neighborhood unless such extensions are shown to be necessary to protect basic public health and safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development.

Urban Growth Area Reserves

The Whatcom County Comprehensive Plan Land Use Map includes the designation of Urban Growth Area Reserves. Urban Growth Area Reserves means a land use designation that may be applied to those areas which are adjacent and contiguous to either incorporated or unincorporated Urban Growth Areas which appear to be suitable for future inclusion in the respective Urban Growth Area. The purpose of the Urban Growth Area Reserve varies by urban area. Expansion of urban growth into the Reserve area may occur if criteria are met.

Upon establishing an Urban Growth Area Reserve, Whatcom County will establish land use controls intended to reserve the area for future urban densities and development by limiting the potential of the properties to be developed with incompatible uses, densities, or public facilities which would interfere with the likely expansion of urban development in the future. Properties in these areas should generally have land use designations of no more than one unit per ten acres, and uses such as agriculture, forestry, conservation, and low density residential development, may be encouraged provided that the continuation of such uses may not be a basis for preventing future expansion of the Urban Growth Area to the Urban Growth Area Reserve.

General criteria for transferring properties from the Urban Growth Area Reserve to the Urban Growth Area are set forth below:

1. Need for Land Capacity. The need for additional land is necessary to accommodate projected urban growth, as documented in a land capacity analysis. ~~due to growth higher than allocated to the urban area or less land capacity than analyzed~~. A transfer from Urban Growth Area Reserve to Urban Growth Area will not be allowed which would provide capacity to accommodate substantially more than 20 years of urban growth. Additional consideration can be made regarding the mix of housing and employment opportunities that are required to serve the Urban Growth Area which could be accommodated in the Urban Growth Area Reserve and which cannot be accommodated within the Urban Growth Area.
2. Adequate Public Facilities and Services. There are plans and capacity to serve the areas with urban governmental services as set forth in the Growth Management Act. There is no requirement to extend these services prior to transferring the area from Urban Growth Area Reserve to Urban Growth Area, but the Capital Facility Plans must document the capacity and plans to serve at urban levels of service within the 20-year planning period.
3. Land Use Plans. The respective city, or county for unincorporated Urban Growth Areas, ~~has~~ have comprehensive plans and land use regulations in place to allow for the transition from Urban Growth Area Reserve to Urban Growth Area. The respective jurisdiction will also have in place development regulations that ensure urban densities are achieved within the existing Urban Growth Area. Urban Growth Area Reserves should be jointly planned between Whatcom County and the respective city.

4. Natural Resource Lands. Expansion into the Urban Growth Area Reserve will not allow uses that are incompatible with adjoining natural resource lands unless mitigated through buffers, increased setbacks or other measures as necessary to maintain the productivity of the adjacent resource lands. If the expansion is into lands zoned Agricultural, the city and county shall have an interlocal agreement or regulations in place that implement a program that outlines the respective roles in protecting at least 100,000 acres of agricultural land in Whatcom County.
5. Environment. Land use regulations are in place to ensure protection of the environment and sensitive watersheds.
6. Open Space Corridors. Continued provisions are made for open space corridors within and between Urban Growth Areas where not otherwise precluded by previous development patterns.

Below are issues, established by urban area that must be addressed in order to authorize areas to be re-designated from Urban Growth Area Reserve to Urban Growth Area.

Bellingham Urban Area

The south Yew St. and the south Caitac areas have been designated as Urban Growth Area Reserves. Prior to re-designating the south Yew St. area to UGA, need for additional land capacity must be demonstrated, planning for adequate public facilities and services must be completed, and potential impacts on Lake Padden water quality must be addressed. Prior to re-designating the south Caitac area to UGA, need for additional land capacity must be demonstrated and planning for adequate public facilities and services must be completed.

~~Lake Padden is considered a sensitive water body because it is designated as impaired by pollution under Clean Water Act standards [303(d) Category 5 Waters]. This area has also not demonstrated the ability to provide adequate public facilities and services within the twenty year planning period. The portion of the Lake Padden Watershed that was previously designated as an Urban Growth Area is designated as an Urban Growth Area Reserve. The Urban Growth Area Reserve should be jointly planned with the city and county in conjunction with Urban Growth Area plans.~~

Birch Bay Urban Area

An area bisected by Blaine Rd., generally north of Arnie Rd., has been designated as Urban Growth Area Reserve. Prior to re-designating this area to UGA, need for additional land capacity and planning for adequate public facilities and services must be demonstrated. The area currently zoned R10A west of Blaine Rd. should maintain a density of one dwelling/10 acres in recognition of the wetlands and floodplain in this area

~~The Birch Bay Community Plan adopted in 2004 used a high growth forecast that does not appear to be warranted over the new twenty-year planning period. The community is currently working on a planning process (Birch Bay Watershed Characterization) to identify areas most suitable for development. A portion of the Urban Growth Area along Blaine Road not needed for the growth allocation but within a logical urban boundary is designated as an Urban Growth Area Reserve.~~

Blaine Urban Area

There are no areas proposed for Urban Growth Area Reserve adjacent to the Blaine Urban Growth Area.

Cherry Point Urban Area

There are no areas proposed for Urban Growth Area Reserve adjacent to the Cherry Point Industrial Urban Growth Area.

Columbia Valley Urban Area

An area on the west side of the UGA has been placed into an Urban Growth Area Reserve. This area is within lands designated as geologically hazardous, and suitability for urban development has not yet been demonstrated.

Everson Urban Area

Land to the north of Everson along Trap Line Road is designated as Urban Growth Area Reserves. This area was previously designated as agricultural lands of long-term commercial significance. The Everson UGA has been reduced in other areas and those lands were put into agricultural lands of long-term commercial significance, thus not causing a reduction in the resource land designations in the Everson area. ~~Holding this area in an Urban Growth Area Reserve through the year 2012 will allow the opportunity for Whatcom County and the City of Everson to work on strategies and plans to ensure protection of at least 100,000 acres of agricultural land in Whatcom County, including acquisition of development rights consistent with WCC 2.160.080(5).~~ The Urban Growth Area Reserve should be jointly planned with the city and county in conjunction with Urban Growth Area plans.

Ferndale Urban Area

Lands in the vicinity of Enterprise Rd. ~~and Slater Rd.~~ have been designated as Urban Growth Area Reserves for future employment growth at the request of the City of Ferndale. A portion of the Enterprise UGA Reserve on the north~~east~~west side of the Ferndale Urban Growth Areas is within the Drayton Harbor Watershed. The City may utilize this area as a corridor to provide utilities to the Grandview area. ~~The Slater Urban Growth Area Reserve, on the southeast side of Ferndale, is adjacent to and abuts the Bellingham UGA and consultation with the City of~~

~~Bellingham will be required before this area is designated as Ferndale UGA. Both~~
~~†The Enterprise and Slater Urban Growth Area Reserves includes existing rural and~~
~~residential uses that must be considered when developing land use plans for these~~
~~areas.~~ Lands in the Vista/Brown, Thornton, Mtn. View and Douglas Rd. areas have
been designated as Urban Growth Area Reserves for future residential growth.
These Reserves are logical areas for the city to grow and should be jointly planned
with the city and county in conjunction with Urban Growth Area plans.

Lynden Urban Area

There are no areas proposed for Urban Growth Area Reserve adjacent to the
Lynden Urban Growth Area.

~~Growth of Lynden is constrained by agricultural lands. In 2003, Whatcom County
designated Target Areas for Purchase of Development Rights following consultation
with the City of Lynden. Those Target Areas included lands north of Badger Road
and west of the Guide Meridian. Lynden has not proposed expansion into those
Target Areas. The city has also requested a moderate amount of growth, and has
implemented significantly higher densities in their land use plans. Capital facility
plans have been developed and implemented based on the assumption of a modest
growth level.~~

~~A portion of the lands west of Double Ditch Road have been designated as an Urban
Growth Area Reserve, instead of Urban Growth Area as requested by the City.
Holding this area in an Urban Growth Area Reserve through the year 2012 will allow
the opportunity for Whatcom County and the City of Lynden to work on strategies
and plans to ensure protection of at least 100,000 acres of agricultural land in
Whatcom County. The Urban Growth Area Reserve should be jointly planned with
the city and county in conjunction with Urban Growth Area plans.~~

Nooksack Urban Area

An area east of the Sumas River and south of Breckenridge Creek has been
designated as an Urban Growth Area Reserve. This area is currently used primarily
for agricultural uses, and includes lands that may be flooded and exposed to
Naturally Occurring Asbestos (NOA) from a natural landslide adjacent to Swift
Creek. ~~Holding this area in an Urban Growth Area Reserve will allow the opportunity
for Whatcom County and the City of Nooksack to work on strategies and plans to
ensure protection of at least 100,000 acres of agricultural land in Whatcom County.~~
This area will be kept in reserve status until the County has determined that
development will not expose future residents and employees to unacceptable risk
from naturally occurring asbestos. The Urban Growth Area Reserve should be jointly
planned with the city and county in conjunction with Urban Growth Area plans.

Sumas Urban Area

Growth of Sumas is constrained by agricultural lands. Lands in agricultural use on the south end of Sumas along Hovel Road have been designated as an Urban Growth Area Reserve. While there is sufficient land within the city to accommodate projected growth, there is little surplus, and growth outward may become necessary. This area will be kept in reserve status until the County has determined that development will not expose future residents and employees to unacceptable risk from naturally occurring asbestos. The Urban Growth Area Reserve should be jointly planned with the city and county in conjunction with Urban Growth Area plans.

Special Study Areas

~~Lake Whatcom~~

~~Lake Whatcom is the drinking water source for approximately half of Whatcom County. Recent studies on Lake Whatcom indicate water quality in the lake has declined. Oxygen levels in Lake Whatcom are declining to lower levels, and are declining faster than in the past. In 1997, the Washington State Department of Ecology listed Lake Whatcom as an impaired water body and place Lake Whatcom on the Federal Clean Water Act 303(d) list because of low oxygen levels. The 303(d) listing requires the establishment of a Total Maximum Daily Load (TMDL) that designates loading capacity of the lake such that there will be no measurable change in oxygen levels from natural lake conditions. The TMDL goals will require a variety of planning, pollution prevention, pollution reduction and technical approaches. Meeting the TMDL goals will be required in order to stabilize water quality in Lake Whatcom.~~

~~A significant cause of declining oxygen levels has been from residential development in the watershed. Past development permitted by the City of Bellingham and Whatcom County has led to increased phosphorus loading into the lake, which in turn has led to lower oxygen levels in the lake. Past poorly managed forest practices may have led to significant increases in phosphorus loading to the lake.~~

~~In November/December 1992, a joint resolution was passed by the Bellingham City Council, Whatcom County Council, and Water District 10 Commissioners, which reaffirmed this position with six general goal statements and a set of specific goal statements in various categories. The specific goal statements for urbanization were the following:~~

- ~~• Prevent water quality degradation associated with development within the watershed.~~
- ~~• Review and recommend changes in zoning and development potential that are compatible with a drinking water reservoir environment.~~

- ~~• In addition to zoning identify and promote other actions to minimize potential for increased development in the watershed (i.e. land trust, development rights, cost incentives, etc.).~~
- ~~• Develop specific standards which reduce the impacts of urbanization, such as minimal lot clearing; clustered development to reduce infrastructure; collection and treatment of stormwater before entering the lake.~~
- ~~• Develop appropriate interlocal agreements with governing agencies to prohibit the potential for additional development once an agreed upon level is set.~~

~~The joint resolution included goals for watershed management that extended beyond urbanization. Goals were included for stormwater management, on-site waste systems, conservation, forest management, spill response, hazardous materials transport and handling, data/information management, education/public involvement, and other topics. A joint strategy was agreed to for developing specific plans to meet the adopted goals. Eight high priority goals were selected first and plans have been completed and jointly adopted for each of the goals.~~

~~In 1998, the City, County, and District 10 formalized their joint commitment to protect and manage the lake through the joint adoption of an interlocal agreement and allocation of funding toward protection and management efforts in the watershed. A five-year program plan was developed for ten program areas. Specific priority was placed on activities related to watershed ownership, stormwater management, and urbanization/land development.~~

~~The watershed contains four developed areas: the City of Bellingham, which straddles the upper portion of the northern-most basin of the lake; Geneva, which is immediately south and east of Bellingham's city limits and is part of the city's urban growth area; Hillsdale, which is immediately north and east of Bellingham's city limits and is also part of the city's urban growth areas; and the Sudden Valley Rural Community. In addition, it includes a variety of other zones, including resource, rural, and residential rural zones. Over 75% of the watershed is in Forestry zoning and more than 73% of the current land use is forestry.~~

~~In 2003, there were approximately 2,730 existing dwelling units in the Lake Whatcom watershed located outside of the Bellingham UGA. Under the zoning adopted in January 2004, the gross potential build-out in this area is about 6,507 total dwelling units. Therefore, even under the more restrictive zoning adopted in January of 2004, there could be a significant amount of new development in the watershed.~~

~~Water and sewer service are provided by Water District 10. Capacity problems in the district's sewer line, which serves Geneva and Sudden Valley, have caused overflows into the lake in the past. An aggressive program to preclude stormwater~~

infiltration has eliminated the overflow problems to a large extent. In addition, the district has a contractually limited flow capacity to Bellingham. The Lake Louise Road sewage interceptor was constructed in January 2003 to carry waste water from Sudden Valley and Geneva and serves as a complement to the Lake Whatcom Boulevard trunk line. The interceptor was designed to service full build-out of Sudden Valley and Geneva.

There are several pending subdivisions in the area which are being proposed at less than full density but which will increase the overall development level outside of urban areas to a significant degree.

In 2006 the Whatcom County Council approved funding to study reconveyance of DNR managed County Forest Board Lands.

In 2004, the Department of Natural Resources (DNR) Board on Natural Resources adopted the Lake Whatcom Landscape Plan. This plan provides additional protections on state managed lands within the Lake Whatcom watershed. The plan provides additional protections on streams and potentially unstable slopes not normally included in forest practices in Washington State. If the DNR exchanges land from the watershed the protections provided by the plan would not be applicable to the new owner. Chapter 11: Environment, contains more discussion of Lake Whatcom issues and includes additional goals and policies related to watershed management, stormwater, and water quality.

Goal 2MM: Prioritize the Lake Whatcom area as an area to minimize development, repair existing storm water problems, specifically for phosphorus, and ensure forestry practices do not negatively impact water quality. Provide sufficient funding and support to be successful.

Policy 2MM-1: Work with property owners to find acceptable development solutions at lower overall densities than the present zoning allows.

Policy 2MM-2: Develop a storm drainage utility district or other funding mechanism to deal with the unique problems of development in a drinking water watershed.

Policy 2MM-3: Recognize that all users of Lake Whatcom water have an interest in the resource and should share in the cost of its protection.

Policy 2MM-4: Work cooperatively with the City and Water District 10 to identify, review, and, as appropriate, recommend changes to existing monitoring programs that will address the needs of the various jurisdictions. Place a particular focus on the information needed to evaluate the impacts of additional development in the

watershed. Include an analysis of the diversion from the Middle Fork of the Nooksack. Coordinate effort with the Lake Whatcom Management Committee process.

Policy 2MM-5: Evaluate and pursue, as appropriate, the use of incentives to encourage voluntary lot consolidation, transfer or purchase of development rights, current use taxation, and participation in open space conservation programs.

Policy 2MM-6: Do not allow density bonuses within the Lake Whatcom Watershed.

Policy 2MM-7: Work cooperatively with the City and Water District 10 to develop benchmarks to determine the effectiveness of management options; when goals have been achieved; or when additional actions are necessary.

Policy 2MM-8: Continue to develop and refine structural and non-structural best management practices (BMPs), both voluntary and required, to minimize development impacts within the Lake Whatcom watershed.

Policy 2MM-9: Work to keep Whatcom County Forest Board and Forest Purchase lands within the Lake Whatcom watershed in public ownership, and support managing forestry on said lands in a manner that minimizes sediment and phosphorus yields from streams.

Policy 2MM-10: Encourage the location of public services such as schools, libraries, and post offices, within Rural Communities that would likely reduce the vehicle miles traveled within the watershed.

Sudden Valley

Sudden Valley was established in the early 1970s as a recreation/resort area located on the shore of Lake Whatcom, entirely within the Lake Whatcom Watershed. Over the last thirty years it has developed into a semi-urban residential area. Sudden Valley is organized as a homeowners association which maintains and operates common facilities and land. Despite its recreational beginnings, this unincorporated area is now composed primarily of permanent residents—numbering approximately 7000—with some recreational units and second homes as well.

Water and sewer are provided by the Lake Whatcom Water and Sewer District. Public transit service is provided by the Whatcom Transportation Authority (WTA). Natural gas is available only to limited portions of Sudden Valley. Security is provided by a very small, private, contracted force and the Sheriff's Department. There is a small commercial area surrounded by Sudden Valley, and an immediately neighboring station of the South Whatcom Fire Authority. The area includes Lake

Whatcom shoreline with lake access, as well as wetlands, natural preserves, and land that will remain forever undeveloped. Of its 1,545 acres, 835 acres – over half – are permanent open space with established parks, trails, and recreational areas, with an additional 140 acres of golf course.

Sudden Valley lies within the Lake Whatcom Watershed where limiting development has been identified as desirable. As a result, Sudden Valley is not a candidate for incorporation or UGA status. However, because Sudden Valley represents a sizable population, the Sudden Valley Community Association (SVCA) is a recognized participant in County and Lake Whatcom planning.

Goal 2NN: Recognize Sudden Valley as a Rural Community (Type 1 LAMIRD) with unique challenges that require active participation in the planning process.

Policy 2NN-1: Liaison with SVCA on issues of mutual concern in Sudden Valley.

Policy 2NN-2: Facilitate meeting the unique needs of Sudden Valley due to its location within the Lake Whatcom Watershed.

Policy 2NN-3: Recognize the existing parcelization and the remaining development potential of multi-family parcels in Sudden Valley.

Policy 2NN-4: Work with the Community Association towards voluntary density reduction of additional lots within Sudden Valley.

Policy 2NN-5: If vacant lots in the Lake Whatcom watershed come available due to a tax foreclosure the County may acquire them, remove the developments rights and then place them back on the market through the public auction process to recover any residual value.

Policy 2NN-6: Support Lake Whatcom Water and Sewer District's effort to maintain adequate sewer capacity and control stormwater run-off in keeping with appropriate environmental controls and the Sudden Valley Community Association's density reduction goal.

Policy 2NN-7: Work with all parties to maintain, and appropriately plan for infrastructure, public services, and stormwater retention so that Sudden Valley can develop appropriately.

Private Parcels Surrounded by National Park or National Forest

There are a number of private parcels in Whatcom County which are completely surrounded by National Forest and National Park land. Some of these have houses

built on them, primarily for seasonal use, but most represent mining patents and are used, or have been used, only for mining. The majority of these parcels are located in the Mt. Baker area or the Slate Creek area near the eastern border of the county with their access primarily by Forest Service roads.

~~When interim zoning was established for Whatcom County in 1972, these parcels along with a majority of the rest of the county were zoned general protection (GP). This zoning allows single-family houses on one-acre lots and a multitude of other uses mostly subject to the conditional use process. As final zoning has been established around the county as part of the subarea planning process, only these exclave parcels and the Lummi Reservation remain under interim zoning.~~

Goal: 2QONN: Continue to recognize private parcels surrounded by National Park or National Forest as part of Whatcom County's jurisdiction.

Policy 2QONN-1: Increase the potential for land exchanges, and other voluntary mechanisms, in order to reduce the checkerboard ownership and jurisdictional patterns within eastern Whatcom County.

Subdivisions on the Lummi Reservation

There are ~~over 2,000~~at least 2,086 parcels on the Lummi Reservation, many of which are owned by non-Indians. As Federal policy has changed and tribal lands have been allowed to be removed from trust to fee status, state and county regulations have become applicable. The County has made efforts to work closely with local tribes on land use directions. The requirements of the Growth Management Act cannot be applicable to reservation trust lands, even when a checkerboard pattern has developed. It is the full intent of this County, when possible, to continue working cooperatively with area tribes on land use, watershed planning, utility planning and the coordinated water system plan. Most platted areas have sewer, which is provided by the Lummi Sewer District.

Goal 2PP: Seek ~~resolutions~~ that satisfy the requirements of Growth Management, the needs of the non-tribal residents and the goals of the Lummi Nation.

Policy 2PP-1: Work with the residents and the Lummi Nation to establish adequate water and sewer for the existing platted lots.

Policy 2PP-2: Whatcom County will administer land use policy on fee lands and prohibit discriminatory land use practices.

Comprehensive Plan Designations Map

The Comprehensive Plan designations map (**Map 2-18**) ~~is intended to~~ provides direction for future land use decisions in Whatcom County. It is officially adopted as part of this document. Because of the scale of the map, specific boundaries are identified on maps in the County Planning and Development Services office.

These descriptors are intended to be general in nature. More specific criteria and explanation may be incorporated into comprehensive plan chapters or subarea plans.

Title: Urban Growth Areas

Purpose: To denote where future urban growth may occur.

Definition: Areas characterized by urban growth that have adequate existing public facility and service capacities; areas characterized by urban growth that can be served adequately by a combination of both existing public facilities and any additional public facilities and services that are provided by either public or private sources; and lands adjacent to areas characterized by urban growth.

Locational Criteria: First urban growth may be located on lands characterized by urban growth that have adequate existing public facility and service capacities; next urban growth may be located on lands characterized by urban growth that can be served adequately by a combination of both existing public facilities and services and any additional public facilities and services that are provided by either public or private sources; and finally urban growth may be located on lands adjacent to areas characterized by urban growth.

Title: Urban Growth Area Reserve

Purpose: To denote lands which appear to be suitable for future inclusion in an adjacent and contiguous Urban Growth Area when the need arises and adequate public facilities and services can be provided, and other issues identified in the comprehensive plan are addressed.

Definition: Areas that are not yet suited for urban growth but are logical areas in which the urban area would likely grow beyond current growth allocations after being properly designated as an Urban Growth Area.

Locational Criteria: Areas adjacent and contiguous to Urban Growth Areas in which urban development would likely occur beyond current growth allocations.

Title: Major Industrial Area / Port Industrial - Urban Growth Areas

Purpose: To reserve appropriate areas to attract heavy industrial manufacturing uses and provide employment opportunities while minimizing land use conflicts and off-site impacts.

Definition: Land area for large-scale heavy industry that has a high impact on the surrounding neighborhood and environment.

Locational Criteria: Industry should be located in areas adequate for its use away from residential centers, but within reasonable commuting distance; near transportation facilities and services.

Title: Master Planned Resort

Purpose: To recognize and contain resort areas that existed on July 1, 1990, or permit new master planned resort areas that depend on a setting of significant natural amenities.

Definition: Historic or new ~~resortplanned-unit~~ development that is self-contained and fully integrated, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities.

Locational Criteria: Resorts may be located in urban or rural areas within a setting of significant natural amenities.

Title: Rural Community (Type I LAMIRD)

Purpose: To recognize rural development consisting of the infill, development, or redevelopment of commercial, industrial, residential, or mixed uses areas that existed on July 1, 1990 and limit and contain more intensive rural land uses within logical outer boundaries.

Policies on the definition and locational criteria for Rural Communities are found under Goals 2HH and 2JJ in this chapter.

Title: Rural Tourism (Type II LAMIRD)

Purpose: To recognize small-scale recreational or tourist uses in rural areas, and to limit and contain more intensive rural development on those lots.

Policies on the definition and locational criteria for Rural Tourism designations are found under Goals 2HH and 2KK in this chapter.

Title: Rural Business (Type III LAMIRD)

Purpose: To recognize development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses, to limit and contain more intensive development on those lots.

Policies on the definition and locational criteria for Rural Business designations are found under Goals 2HH and 2LL in this chapter.

Title: Rural Neighborhood

Purpose: To recognize and contain rural areas that have been established with predominantly residential uses with higher densities than surrounding rural areas.

Policies on the definition and locational criteria for Rural Neighborhood designations are found under Goal 2MM in this chapter.

Title: Rural

Purpose: To provide opportunity for a variety of low-density residential development including cluster development with the flexibility to practice farming or forestry, or operate a home occupation or cottage industry; to retain a sense of community. Also to encourage agriculture and forestry activities through the use of incentives.

Policies on the definition and locational criteria for Rural designations are found under Goal 2GG in this chapter.

Title: Agriculture - Resource Lands

Purpose: To recognize and promote agriculture in Whatcom County and protect prime agricultural soils and productive agricultural lands from conversion to other uses. To prevent conflicts between residential and agricultural uses.

Definition: Commercial agriculture lands generally located on parcels 40 acres or larger, with one dwelling unit per 40 acres or legal lot of record allowed.

Locational Criteria: Agriculture designation criteria are set forth in Chapter 8, Resource Lands. Soils identified as prime agricultural soils; large parcels; existing commercial agricultural uses.

Title: Rural Forestry - Resource Lands

Purpose: To provide flexibility in use, enabling the landowner to live on the land and practice forestry and forestry-related industry.

Definition: Lands used primarily for growing trees with some low-density residential development.

Locational Criteria: Rural Forestry designation criteria are set forth in Chapter 8, Resource Lands. Lands useful for growing trees for commercial timber production; usually located within public service districts; accessed by private roads built to Whatcom County development standards or public roads; low-density residential development; land parcels generally 20 acres or greater in size; property often in tax deferred status.

Title: Commercial Forestry - Resource Lands

Purpose: To provide land base for commercial forestry activities and provide predictability of future land use to forest land owners.

Definition: Land primarily devoted to commercial timber production.

Locational Criteria: Commercial Forestry designation criteria are set forth in Chapter 8, Resource Lands. Land primarily devoted to growing trees for long-term commercial timber production; located outside public service districts such as fire and water; accessed by private or state forest roads; parcels generally 40 acres or larger in size; land in tax deferred status.

Title: Mineral Resource Lands - Resource Lands

Purpose: To ensure a long-term supply of mineral resources and provide predictability in land use.

Definition: Lands of long-term commercial significance for the extraction of minerals.

Locational Criteria: ~~MRL designation criteria are set forth in Chapter 8, Resource Lands. Proven mineral resources of long-term commercial significance, low density rural areas, designated Agricultural lands generally with Non-Prime Farmland Soils and when demonstrated to be of higher value as a mineral resource than as an agricultural resource; and designated Forestry lands of higher value as a mineral resource than as forestry resource.~~

Title: Public Recreation

Purpose: To provide the public with open space and recreational opportunities; to protect conservation areas.

Definition: Areas with unique scenic or recreational amenities.

Locational Criteria: Parcels owned or managed by public or private agencies for recreational or conservation use.

~~**Title: Special Study Areas**~~

~~**Purpose:** To indicate areas where regional planning efforts are a high priority and necessary in order to address important local issues in greater detail.~~

~~**Definition:** Includes the Lake Whatcom Watershed and certain areas within the Lummi Reservation.~~

Open Space

Introduction

Cascade peaks, forested mountains, the Nooksack drainage, farmlands, riparian corridors, lakes, shorelines and islands contain the natural beauty and character of Whatcom County's landscape. This setting contributes greatly to the quality of life enjoyed by county residents who value its elements of environmental quality, scenic beauty and recreational opportunities. Whether thought of as broadly as a mountain range and the marine waters of the Strait of Georgia, or as narrowly as a small corridor between two buildings in a ~~S~~small ~~T~~town, open spaces are essential components to the health and well-being of individuals and communities.

Purpose

This section, in keeping with the Growth Management Act, serves to identify and designate open spaces and open space corridors, and encourage their retention.

Process

~~This section was originally drafted by Whatcom County Planning Division staff. Whatcom County and volunteer citizens' committees have already defined and identified many of the county's unique and important natural areas, open spaces and corridors, and scenic and natural resource lands. Many of these lands are included in Whatcom County's Comprehensive Park and Recreation Open Space Plan (1989) and in Preserving a Way of Life: A Natural Heritage Plan for Whatcom County (1991). The plans recommend priority lands to include in the county's general open space system. Staff reviewed and incorporated existing policies and recommendations from these documents as well as others such as county subarea plans, Whatcom County Open Space Policies (1986 Policies, Criteria and Public Benefit Rating System), and County-Wide Planning Policies (1993). These were excerpted when consistent with the GMA and tailored to information gathered through the Visioning Process. The first draft was then reviewed by the Coordinating Committee for consistency with other elements of the draft Whatcom County Comprehensive Plan and re-drafted.~~

GMA Requirements

The GMA requires Whatcom County to designate the general location of open space lands, and to "encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks" (GMA Planning Goal, RCW 36.70A.020 (9)). **Map 2-29** shows the distribution of lands currently enrolled under Whatcom County's open space taxation program (see below).

The act also has a requirement to identify open space *corridors* within and between urban growth areas to include "...lands useful for recreation, wildlife habitat, trails, and connection of critical areas..." (RCW 36.70A.160). This law authorizes the public purchase of such corridors.

Map 2-310 shows proposed Open Space Corridors for Whatcom County.

Open Space — Background Summary

Whatcom County contains many public open space lands such as county and state parks and state and national forest lands. Whatcom County stewards over 15,000 acres of parkland. ~~Whatcom County Parks and Recreation Department maintains 32 park sites totaling over 4,000 acres.~~ The Washington State Parks Department stewardseperates more than 2,4003,000 acres of state parks. The Washington State Department of Natural Resources manages stewards over 88,00090,000 acres of state forest land in Whatcom County, including two Natural Resource

Conservation Areas. These forest lands are generally open to the public for recreational uses, except for seasonal and some special use restrictions. The US Forest Service and the North Cascades National Park manage over 800,000 acres of land in the eastern portion of the county for timber, recreation, wildlife habitat, fisheries production, and wilderness.

Under the provisions of the Open Space Taxation Act (RCW 84.34), Whatcom County ~~may classify~~~~will designate~~ as "Open Space" farms, forests, and beneficial open lands upon request by individual land owners when such lands meet adopted criteria and policies. These adopted policies are contained in the policies established in this section. A Public Benefit Rating System that implements the policies rates each application under consideration.

Properties which qualify under the county's Open Space program are granted partial relief from property taxes in exchange for maintaining their land in open space use as defined by state law and county policies. Some open space categories require that a landowner provide public access provisions to the property while other categories do not have this requirement. According to latest Assessor's information, ~~119,907~~~~112,841~~ acres were classified under the County's open space program in ~~2014~~~~2002~~, ~~94%~~~~95%~~ of which were classified as Open Space Agriculture. Most of the forested areas in Whatcom County, however, are classified as forest lands under RCW 84.33. This law phased out the ad valorem system for taxing timber land. This act was meant to encourage forestry and reforestation of forests for the continued enjoyment of present and future generations. See **Map 2-29** for the location of these areas.

~~With the existence of these areas, it may be hard to believe there is an additional need for open space. Of the open space lands listed above, an estimated 125,000 acres are available near population centers.~~ For privately held open space lands, there can be strong pressures to convert resource lands and rural areas to more urban environments. Additionally, while Whatcom County has more than 130 miles of saltwater shoreline, only about 6% is currently in public ownership and freely accessible to the public. With the county projecting a growing population and expanding development, the opportunity for additional public access is reduced almost every day.~~According to a November 1993 mail survey analyzed by Hebert Research Incorporated for the Whatcom County Visioning Committee, "Land Use Management/Preservation of Open Space" was the most important issue facing Whatcom County residents over the next twenty years.~~

Issues, Goals, and Policies

Open Space Areas

Whatcom County residents consider open space and the conservation of farm and timber land to be essential to the quality of life in Whatcom County. As urban growth pressures increase, open space, farms, forests, and shorelines are becoming

more valuable to the residents of the county. Loss of open space is perceived by the people of Whatcom County as an adverse impact to the quality of life.

Goal 2QQ: Conserve or enhance important natural, cultural, and scenic resources.

Policy 2QQ-1: Protect and encourage voluntary restoration of streams, stream corridors, wetlands, natural shorelines, fish habitat and aquifers through education and incentive programs. For willing landowners, purchase property or acquire easements for riparian and channel migration zone areas to protect habitat of threatened and endangered species.

Policy 2QQ-2: Protect soil resources.

Policy 2QQ-3: Protect unique or critical wildlife and native plant habitat.

Policy 2QQ-4: Promote conservation principles by example or by offering educational opportunities.

Policy 2QQ-5: Enhance the values of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space lands.

Policy 2QQ-6: Enhance recreation opportunities.

Policy 2QQ-7: Preserve scenic vistas, historic, and archaeological sites.

Open Space Corridors

Retaining open spaces between and within cities and small population centers contributes to the high quality of life in Whatcom County. The need for jurisdictions to coordinate in designating Open Space Corridors in order to preserve the quality of life desired by residents, provide connector trails and public access, protect wildlife habitat, and ensure areas for recreation becomes greater as the population of the county continues to grow and urban areas continue to expand.

Goal 2RR: Identify and protect open space corridors within and between urban growth areas. These corridors should include trails and other lands useful for recreation, while emphasizing wildlife habitat, and connection of critical areas, where feasible.

Policy 2RR-1: Identify marine, riverine, and other riparian corridors as essential elements of open space corridors.

Policy 2RR-2: Identify contiguous forested landscapes as essential elements of open space corridors.

- 1 Policy 2RR-3: Identify tidelands and floodplains as essential elements of open
2 space corridors.
- 3 Policy 2RR-4: Identify estuaries, lakes, and rivers as naturally occurring open
4 space corridors.
- 5 Policy 2RR-5: Plan greenway corridors within urban growth areas. Ensure
6 development is consistent with these corridors through the
7 permit process and incentive programs.
- 8 Policy 2RR-6: Include common open space in which pedestrian and bicycle
9 pathways may be integrated in new developments.
- 10 **Goal 2SS: Promote coordination among the county, cities, Port of**
11 **Bellingham, and other appropriate jurisdictions in order**
12 **to protect linked greenbelts, parks, and open spaces.**
- 13 Policy 2SS-1: Encourage all jurisdictions to provide adequate neighborhood
14 parks and play areas within safe walking and bicycling distances
15 of residential neighborhoods.
- 16 Policy 2SS-2: Link county open space corridors with those of adjacent
17 jurisdictions where viable.
- 18 Policy 2SS-3: Encourage separation of urban growth areas through planning,
19 development regulations, open space purchase, conservation
20 easements, and other appropriate mechanisms.

21 Encouraging Open Space Conservation

22 A variety of methods act to encourage the retention of open space. These range
23 from regulatory restrictions to incentives and to public purchase. It has been the
24 policy of Whatcom County to create an equitable tax climate for the landowner
25 willing to maintain land as open space, through the use of the Open Space Taxation
26 Act. While the Growth Management Act authorizes the purchase of open space
27 corridors, in many cases incentive-based measures may be more flexible,
28 productive, and desirable.

29 Public and private conservation organizations such as the Nature Conservancy, the
30 Trust for Public Land, and the Whatcom Land Trust serve important functions such
31 as assisting in negotiating with property owners, providing funding sources, and
32 accepting conservation easements and land donations. Often such organizations
33 can act quickly to provide interim preservation during the time period necessary for
34 government action to occur.

35 Finally, protection of private property rights ~~is has been identified through the~~
36 ~~Visioning Process as~~ an important issue for Whatcom County residents that needs
37 to be expressed in public policy concerning open space.

1	Goal 2TT:	Ensure equity between the public benefit and the private burden while encouraging open space retention.
2		
3	Policy 2TT-1:	Retain valuable agriculture and forestry lands by enrollment in
4		Whatcom County's open space taxation program.
5	Policy 2TT-2:	Recognize that some parcels in the open space taxation
6		program, while key components of the open space system, may
7		not be open to the public.
8	Policy 2TT-3:	Support the conservation of fish and wildlife habitat through
9		enrollment in Whatcom County's open space taxation program.
10	Policy 2TT-4:	Support the retention of open space and open space corridors
11		through the use of education and incentives, such as purchase
12		or transfer of development rights, density bonuses within UGAs,
13		cluster development, and acquisition of easements.
14	Policy 2TT-5:	Avoid inflexible <u>Augment</u> land use regulations by engaging in a
15		proactive program of public investment, landowner incentives,
16		and other actions aimed at preserving open space.
17	Policy 2TT-6:	Improve public access to shorelines and other lands using such
18		mechanisms as purchase or transfer of development rights,
19		density bonuses within UGAs, and open space tax status.
20	Policy 2TT-7:	Utilize the Conservation Opportunity Matrix developed by the
21		Natural Heritage Task Force in 1990 as a tool for evaluating
22		<u>Evaluate</u> conservation opportunities, comparing conservation
23		alternatives, and developing a list of priority sites.
24	Policy 2TT-8:	Make expenditures for public purposes, such as open space,
25		parks or greenbelts, with existing public funds and other sources
26		as appropriate. New local taxes for these purposes should be
27		imposed only upon the vote of the people.
28	Policy 2TT-9:	Support the conservation of unique environmental features
29		through the creative use of cluster subdivisions.
30		
31	Policy 2TT-10:	Support the incorporation of stream greenbelts into subdivision
32		design as common open space <u>and provide incentives for stream</u>
33		<u>buffers greater than those legally required.</u>
34	Policy 2TT-11:	Support the important role of public and private conservation
35		organizations.

Policy 2TT-12: Support public and private land trusts in acquiring conservation easements that provide open space attributes, consistent with the intents of property owners.

Policy 2TT-13: Review the goals of *Preserving a Way of Life: A Natural Heritage Plan for Whatcom County*, ~~as~~ endorsed by the Whatcom County Council in 1991 and continue to implement those goals which are appropriate, beneficial, consistent with this plan, and within the County's fiscal capabilities.

Policy 2TT-14: Consider an update to *Whatcom County Open Space Policies and Criteria and Public Benefit Rating System (as amended in 1995 under Ord. No. 1995-040)* to further incentivize voluntary fish and wildlife habitat enhancement and protection on privately owned lands and shorelines.

Open Space Corridors Map

The Open Space Corridors Map (~~2-310~~) indicates both areas of interest for acquisition or easements to implement the open space objectives and other areas which will remain private but because of their nature serve as visual or wildlife corridors. This does not imply that all sites will be acquired, nor have their development potential reduced. Property owners may or may not have been contacted regarding potential public access.

Essential Public Facilities

Introduction

Essential public facilities are those facilities that are "typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020" (RCW 36.70A.200, Siting of essential public facilities). The county has also designated telecommunication towers, water treatment plants, sewer treatment plants, and water storage facilities as essential public facilities.

Purpose

This section of the Land Use chapter outlines a ~~recommended~~ process for identifying essential public facilities, defining locational criteria for such facilities, selecting sites for them, and establishing an appeal mechanism as required by the RCW. The ~~suggested~~ process emphasizes avoidance of process duplication,

considers the long- and short-term impacts of such siting, provides for effective public review and participation, and stresses compatibility with neighboring land uses.

Process

This section was prepared with consideration of information and procedures adopted by other jurisdictions. An Essential Public Facilities Advisory Committee composed of citizen, business, health care and government representatives met in 2001-2002 and recommended modifications to this chapter to refine the process for siting essential public facilities. ~~The original essential public facilities ordinance was adopted in 2004 and has since been amended. The process adapted for use by Whatcom County and recommended herein has been recognized as a model site selection process at the state level.~~

~~GMA Goals, and County-Wide Planning Policies and Visioning Community Value Statements~~

The GMA goal of encouraging citizen participation and coordination is served by this section. This section has been prepared to satisfy that goal while also meeting the intent of the County-Wide Planning Policies (CWPPs). ~~and the general guidelines of the Visioning Community Value Statements.~~ The CWPPs require identification of appropriate land for public facilities, a cooperative and structured process to consider siting of essential public facilities of a regional, or state-wide nature. ~~Visioning Community Value Statements underscore the importance of citizen participation.~~ Adoption of this section and implementation of its goals and policies satisfies Growth Management goals, ~~Visioning Community Value Statements,~~ and County-Wide Planning Policies.

GMA Requirements

RCW 36.70A.200 requires that each county include a process for identifying and siting essential public facilities. The RCW defines essential public facilities as those facilities that are typically difficult to site, such as airports, state education facilities, and state or regional transportation facilities, state and local correction facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities for sex offenders. Additionally, the county has designated telecommunication towers, water treatment plants, sewer treatment plants, and water storage facilities as essential public facilities. This section meets the requirements of the Growth Management Act.

Background Summary

Essential public facilities include those facilities considered difficult to site because of potential adverse effects related to size, bulk, hazardous characteristics, noise, or public health and safety. The Growth Management Act (RCW 36.70A.200) and

the Washington Administrative Code (WAC 365-195-~~550340~~) indicate that essential public facilities:

- Are typically difficult to site;
- ~~Provides a public service~~~~Serve a public need~~, including a local ~~serviceneed~~; and
- Are provided, substantially funded or contracted for by government or subject to public service obligations.

County-Wide Planning Policies (CWPP) stipulate that the county and cities must identify appropriate land for public facilities meeting the needs of the community.

Adopted CWPPs require the county and cities to develop a cooperative and structured process, including public involvement at an early stage, to consider siting of public facilities of a regional, ~~or~~ state-wide, ~~or federal~~ nature. Any new facilities or major expansions of existing facilities must conform to these local siting procedures.

The CWPPs also address the desirability of shared rights-of-way when not in conflict with wildlife, technical, or public health and safety concerns.

Issues, Goals, and Policies

Siting Essential Public Facilities

Essential public facility siting may not be prohibited by any local plan or regulation; the Growth Management Act, however, empowers local government to determine those plans, policies, and regulations that are most appropriate to county communities.

An equitable distribution of public facilities is important to avoid an unfair concentration of any such facilities within the county. A well-defined appeal process must be part of any siting process. Some essential public facilities, federal facilities for example, must meet multiple levels of siting and permitting approval; coordination is important to avoid unnecessary and costly delays brought about by redundant processes.

Goal 2UU: Utilize the established process for siting essential public facilities.

Policy 2UU-1: Adhere to the process for essential public facility site selection as outlined in the comprehensive plan and zoning ordinance. This process is summarized as follows:

- An applicant for an essential public facility should consult with the Whatcom County Planning & Development Services Department very early in the process of

developing a proposal to determine the siting criteria and County permit requirements for the proposed facility.

- Essential public facilities that are allowed as a permitted use are processed administratively by the Planning & Development Services Department.
- Essential public facilities that require a conditional use permit require a public hearing before the hearing examiner. ~~Notice in the newspaper, notice posted on the site and notice mailed to all property owners within 300' of the subject site must be accomplished.~~
- Siting criteria in the comprehensive plan and zoning ordinance will be applied when deciding where to site essential public facilities.

Policy 2UU-2: Where possible, use essential public facilities sites jointly for public benefit; trails or open space, for example, could share a corridor or site used primarily for transportation.

Policy 2UU-3: The Growth Management Act identifies certain essential public facilities and the County Council has taken legislative action, with the assistance of an essential public facilities advisory committee, to identify additional essential public facilities. A proponent or government agency shall apply for a comprehensive plan amendment to add a particular land use to the adopted list of essential public facilities. In order to be added to the list of essential public facilities, the applicant must demonstrate that the facility:

- Is typically difficult to site;
- ~~Provides a public service~~~~Serves a public need~~, which may be a local ~~serviceneed~~; and
- Is provided, substantially funded or contracted for by government or subject to public service obligations.

Policy 2UU-4: If significant amendments to the essential public facility siting process are proposed in the future, an essential public facilities committee consisting of citizen, business, health care, and government representatives, as appropriate, will be appointed by the County Executive to make recommendations relating to the proposed amendments.

Goal 2VV: Utilize the established siting criteria for essential public facilities.

- 1 Policy 2VV-1: Locate essential public facilities that generate traffic equal to or
2 greater than similar-sized residential or commercial
3 development near major transportation corridors.
- 4 Policy 2VV-2: Do not site essential public facilities where they would have a
5 probable significant adverse impact on critical areas or
6 designated resource lands. ~~designated as environmentally~~
7 ~~sensitive areas or resource lands.~~
- 8 Policy 2VV-3 Site essential public facilities on property where needed
9 expansion of the facility, based upon population forecasts, level
10 of service standards or projected facility needs, can be
11 accommodated within a 20-year planning period.
- 12 Policy 2VV-4 State and regional highways in unincorporated Whatcom County
13 that have been designated as essential state or regional
14 transportation facilities are I-5, State Route 539 (the Guide
15 Meridian), State Route 546/9 (Badger/Garrison from the Guide
16 to Sumas), and State Route 20 to eastern Washington. Other
17 transportation facilities in unincorporated Whatcom County that
18 have been designated as essential public facilities are Amtrak
19 Cascades passenger rail service, the Burlington Northern Santa
20 Fe railroad tracks, and the Cherry Point marine port facilities.
21 Such facilities in the City of Bellingham include Fairhaven
22 Station (intercity passenger rail terminal), Bellingham Cruise
23 Terminal (Alaska Ferry), and the Port of Bellingham (marine
24 port). Additionally, State Route 543 (the truck route at the
25 Blaine border) is an essential public facility located within the
26 city limits of Blaine.
- 27 Widening of existing state highways or railroad tracks (including
28 construction of sidings) and siting new state highways or
29 railroad tracks should be planned in the Washington Highway
30 System Plan, Amtrak Cascades Plan and the Freight Rail Plan.
31 The state will invite the Regional Transportation Planning
32 Organization and the County to participate in planning studies,
33 review design plans, and provide comments when siting new or
34 expanded state highways or railroad tracks.
- 35 Highways and railroad tracks that qualify as essential public
36 facilities should be sited in accordance with all of the following
37 principles. These facilities should be located:
- 38 • In a manner that minimizes or mitigates noise impacts to
39 surrounding residential areas.
 - 40 • Outside of the Lake Whatcom Watershed, unless there
41 are no viable alternatives.

- In a manner that allows continued fish passage beyond the road or railroad tracks or restores blocked passage.
- In a manner that avoids or mitigates wetland impacts.
- In a manner that minimizes impacts of additional impervious surfaces by treating stormwater runoff.
- In a manner that encourages a vibrant economy by facilitating the efficient movement of people and freight.
- In a manner that accommodates pedestrians, bicycles, and transit.

Major passenger intermodal terminals should be located in General Commercial, ~~Fourist Commercial~~, Airport Operations, Urban Residential-Medium Density or industrial zones.

Freight railroad switching yards and terminals should be located in industrial zones.

Marine port facilities should be located within the Heavy Impact Industrial zone of the Cherry Point Major/Port Industrial Urban Growth Area.

Policy 2VV-5:

Airports in Whatcom County are the Bellingham International Airport, and the Lynden Municipal Airport, ~~and the Blaine Municipal Airport~~. Bellingham International Airport, which is in unincorporated Whatcom County, serves both general aviation traffic and commercial airline traffic. Lynden ~~and Blaine~~ airports, which ~~is~~are within the city limits, ~~of these respective cities~~, serves general aviation traffic. There is also a sea plane base called Floathaven on Lake Whatcom, ~~and a sea plane base called the Port of Bellingham Sea Plane Base on Bellingham Bay~~.

Within unincorporated Whatcom County, general aviation and commercial airports will be sited in the Airport Operations District. Compatibility of surrounding land use, including evaluation of height hazards, safety based upon aircraft accident data, and noise impacts, will be evaluated when a new Airport Operations District or an expansion of an existing Airport Operation District is proposed, as follows:

- Height hazards – Towers and other objects that penetrate the imaginary surfaces established in 14 CFR Part 77 Safe, Efficient Use, and Preservation of the Objects Affecting Navigable Airspace, shall be identified and mapped by the applicant. The applicant shall demonstrate

to the County that existing objects that penetrate the imaginary surfaces as defined in 14 CFR Part 77 will not create a hazard to operation of the proposed airport. The applicant shall also demonstrate to the County that objects that could be allowed by zoning to penetrate the imaginary surfaces as defined in 14 CFR Part 77 will not create a hazard to operation of the proposed airport.

- Safety – Aircraft accident data shall be evaluated in the context of the densities and types of existing land uses and land uses allowed by zoning that are in proximity to the proposed airport. Specifically, for general aviation airports or commercial airports that also serve general aviation traffic, existing land uses and zoning around the proposed Airport Operations District shall be compared to the Safety Compatibility Zone Examples, Basic Safety Compatibility Qualities, and Safety Compatibility Criteria Guidelines in the *California Airport Land Use Planning Handbook* (Shutt Moen Associates, January 2002, pp. 9-38 to 9-40, 9-44, 9-45, and 9-47). Special attention shall be given to whether or not the proponent has purchased the land in safety compatibility zone 1 as identified in the *California Airport Land Use Planning Handbook* (Shutt Moen Associates, January 2002, pp. 9-38 to 9-40).
- Noise – The applicant shall map the projected 55, 60 and 65 DNL noise contours. The County shall evaluate noise impacts to existing land uses and land uses allowed by zoning within the mapped 55, 60 and 65 DNL noise contours.
- The County shall consult with and consider the comments of the Federal Aviation Administration and the Washington Department of Transportation – Aviation Division.
- Mitigation, such as removing objects that create height hazards, will be encouraged to achieve compatibility with surrounding land uses.

Policy 2VV-6: State education facilities in Whatcom County are Western Washington University, Whatcom Community College and Bellingham Technical College and related facilities. The main campuses of these state education facilities are located within the city limits of Bellingham. It is anticipated that they will remain within Bellingham over the planning period. However, research, recreational, satellite educational and other facilities

associated with these institutions may be located outside of Bellingham within unincorporated Whatcom County.

State education facilities should generally be located in commercial, rural, residential, light impact industrial, or general manufacturing areas. They should only be allowed in the Airport Operations zone if related to airport operations training. They should not be located on resource lands, except that educational facilities related to forestry should be allowed in the forestry designations and educational facilities relating to agricultural operation training should be allowed in the agriculture designation.

Policy 2VV-7

Correctional facilities in Whatcom County are the Public Safety Building (County Jail), the minimum security correction facility, ~~the alternative corrections building~~, and the juvenile detention facility in the County Courthouse. These three facilities are ~~adjacent to one another in downtown~~ Bellingham. ~~The County also contracts with a private company located in the City of Bellingham for work release beds.~~

Within unincorporated Whatcom County, new correction facilities should be sited in accordance with all of the following principles. New facilities should be located:

- With convenient access to major transportation corridors;
- With convenient access to frequent transit service;
- In areas that will not create excessive traffic, noise, or glare impacts on surrounding residential properties;
- In areas that have access to adequate utilities and infrastructure;
- In areas where there is convenient access to the courts, the sheriff's office, law offices, medical services, fire protection services, and community & social services.
- Outside the 100-year floodplain;
- Outside seismic hazard areas. If no suitable sites are available outside of seismic hazard areas, correction facilities may be located within such areas if adequate mitigation measures are undertaken;
- Outside of landslide hazard areas;
- Outside of mine hazard areas;
- Outside of alluvial fans;
- Outside the 65 DNL noise contour of airports;

- At least 500' from gas pipelines with a maximum operating pressure 500 or greater pounds/square inch gage (psig);
- At least 100' from gas pipelines with a maximum operating pressure between 251 – 499 psig;
- At least one quarter mile from public and private schools.

Policy 2VV-8:

Solid waste handling facilities in Whatcom County currently include two primary transfer stations, ~~a construction & demolition debris landfill, a "clean-green" yard waste site, and a variety of recycling and other facilities drop box collection stations, moderate risk waste fixed facilities (small business and household hazardous waste collection), a vector waste transfer station, and composting and recycling facilities.~~ Additionally, ~~there are anaerobic digesters, biosolids land application facilities, private industrial landfills, and landfills in post-closure status.~~ The two primary transfer stations are located within the City of Ferndale. Municipal solid waste transported to these transfer stations, by either self-haulers or one of two local certificated haulers, is transported to landfills located locations outside of Whatcom County. ~~from these sites. The construction & demolition debris landfill is located on Hemmi Rd. in unincorporated Whatcom County. The "clean-green" yard waste facility is located within the City of Bellingham, and is jointly maintained by the City of Bellingham and Whatcom County.~~

Within unincorporated Whatcom County, solid waste handling facilities will be sited in accordance with all of the following principles:

1. Type III solid waste handling facilities as defined by WCC 20.97.429, including but are not limited to municipal solid waste landfills, incinerators, and transfer stations (but excluding uses set forth in subsection (2b)) will be located:

Within industrial and forestry zones. They may be located within a rural zone only when the site has been identified for such a solid waste facility in the adopted subarea plan;

- a. At least 1,500' from all zoning district boundaries, except commercial forestry and industrial zones;
- b. At least 1,500' from public parks, public recreation areas, or publicly owned wildlife areas;

- c. At least 1,500' from archeological and historical sites that are registered with the State Office of Archeology & Historic Preservation;
- d. At least 1,500' from shorelines that are within the jurisdiction of the Shoreline Management Program;
- e. At least 1,500' from rivers, streams or creeks that contain documented threatened or endangered fish species;
- f. Outside the 10-year time of travel boundary of a public water system's delineated wellhead protection area;
- g. Outside the Lake Whatcom watershed;
- h. Outside the 100-year floodplain;
- i. In accordance with *Hazardous Wildlife Attractants on or Near Airports* (Federal Aviation Administration Advisory Circular 150/5200-33), solid waste facilities and sites that handle putrescible waste will be located:
 - i. At least 10,000' from airports serving turbine-powered aircraft (Bellingham International Airport);
 - ii. At least 5,000' from airports serving piston-powered aircraft (~~Blaine Municipal and Lynden Municipal Airports~~).

2. Inert material landfills will be located:

- a. Within industrial and forestry zones. They may be located within a rural zone only when the site has been identified for such a solid waste facility in the adopted subarea plan;
- b. At least 500' from all zoning district boundaries, except commercial forestry and industrial zones;
- c. At least 500' from public parks, public recreation areas, or publicly owned wildlife areas;
- d. At least 500' from archeological and historical sites that are registered with the State Office of Archeology & Historic Preservation;
- e. At least 500' from shorelines that are within the jurisdiction of the Shoreline Management Program;

- f. At least 500' from rivers, streams or creeks that contain documented threatened or endangered fish species;
- g. Outside the 10-year time of travel boundary of a public water system's delineated wellhead protection area;
- h. Outside the Lake Whatcom watershed;
- i. Outside the 100-year floodplain.

Commercial composting facilities are solid waste handling facilities, but do not qualify for essential public facility status.

Policy 2VV-9: Personal wireless communication facilities and broadcast towers have been constructed at various locations around Whatcom County.

Personal wireless communication facilities, such as cell phone towers, shall be sited in accordance with Whatcom County Code 20.13.

Broadcast towers, such as TV and radio towers, are allowed with a conditional use permit in all zoning districts.

Proximity to airports and potential hazards to aviation will be considered when siting new towers or increasing height of existing towers.

Policy 2VV-10: Sewage treatment plants in Whatcom County currently serve cities, water & sewer districts, the Lummi Nation, and a state park.

Within unincorporated Whatcom County, sewage treatment plants will be sited in accordance with all of the following principles:

1. New sewage treatment plants will be located outside of the 100-year floodplain, unless the applicant demonstrates that alternative sites are not feasible;
2. New sewage treatment plants will be located outside the 10-year time of travel boundary of a public water system's delineated wellhead protection area;
3. New sewage treatment plants will be located, in accordance with *Hazardous Wildlife Attractants on or Near*

Airports (Federal Aviation Administration Advisory Circular 150/5200-33), as follows:

- a. At least 10,000' from airports serving turbine-powered aircraft (Bellingham International Airport);
- b. At least 5,000' from airports serving piston-powered aircraft (~~Blaine Municipal and Lynden Municipal Airports~~);

4. New sewage treatment plants will be buffered from existing high-density residential land uses. Expansion of existing sewage treatment plants will provide buffering from existing high-density residential land uses to the extent possible;

5. New sewage treatment plants and expansion of existing sewage treatment plants will be constructed in a manner to shield light and glare from surrounding land uses.

Policy 2VV-11: Water treatment plants in Whatcom County are currently operated by cities, water & sewer districts, water associations and other public water system operators such as industries at Cherry Point.

Within unincorporated Whatcom County, water treatment plants will be sited in accordance with all of the following principles:

1. New water treatment plants will be located outside of the 100-year floodplain, unless the applicant demonstrates that alternative sites are not feasible;
2. New water treatment plants and expansion of existing water treatment plants will be constructed in a manner to shield light and glare from surrounding land uses.
3. New water treatment plants will be located:
 - a. At least 500' from natural gas pipelines with a maximum operating pressure of 500 or greater pounds/square inch gage (psig).
 - b. At least 100' from natural gas pipelines with a maximum operating pressure between 250 and 499 psig;
 - c. At least 500' from pipelines that carry liquid gas, oil or other petroleum products.

Policy 2VV-12: Water storage facilities owned and operated by a public water utility for the sole purpose of providing required fire flow are a permitted use in all zoning districts provided:

- Volume does not exceed 50,000 gallons; and
- Height does not exceed 12 feet above the ground level measured within 20 feet in all directions of the tank.

Other water storage facilities for potable water and/or fire flow owned and operated by a public utility are allowed with a conditional use permit in all zoning districts.

Policy 2VV-13: Substance abuse facilities, mental health facilities, and group homes have been constructed at various locations around Whatcom County.

1. In compliance with RCW 36.70A.410, Whatcom County will not treat a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals. "Handicaps" are as defined in the federal fair housing amendments act of 1988.
2. Within unincorporated Whatcom County, substance abuse crisis facilities and mental health crisis facilities will not be located within 600' from any of the following:
 - Public schools;
 - Private schools;
 - School bus stops,
 - Licensed day care
 - Licensed pre-school facilities;
 - Public parks;
 - Publicly dedicated trails;
 - Sports fields;
 - Playgrounds;
 - Recreational and community centers;
 - Public libraries; and
 - Public and private youth camps

Policy 2VV-14: There are currently no secure community transition facilities for sex offenders located in Whatcom County. Within unincorporated Whatcom County, secure community transition facilities for sex offenders will be sited in accordance with all of the following:

1. Secure community transition facilities shall not be located adjacent to, immediately across the street or parking lot

from, or within the line of sight of existing risk potential facilities, which are:

- Public schools;
- Private schools;
- School bus stops,
- Licensed day care
- Licensed pre-school facilities;
- Public parks;
- Publicly dedicated trails;
- Sports fields;
- Playgrounds;
- Recreational and community centers;
- Churches, synagogues, temples or mosques;
- Public libraries;
- Public and private youth camps; and
- Other uses identified by the State Department of Social and Health Services pursuant to RCW 71.09.020(~~134~~).

“Within the line of sight” shall mean that it is possible to reasonably visually distinguish and recognize individuals. An unobstructed visual distance of 600’ shall be considered to be within the line of sight. Line of sight may be considered to be less than 600’ if the applicant can demonstrate that visual barriers exist or would be created that would visually screen the risk potential facility from the secure community transition facility.

1. No more than one secure community transition facility, with a maximum of three people (other than staff), shall be located within Whatcom County.
2. The average response time of emergency services to a proposed secure community transition facility will be balanced against the proximity of the proposed secure community transition facility to the above risk potential facilities. Great weight will be given to sites that are farthest removed from the risk potential facilities listed above.
3. In identifying potential sites within a county for the location of a secure community transition facility, the

State Department of Social and Health Services shall work with local governments to provide for the equitable distribution of such facilities. In coordinating and deciding upon the siting of secure community transition facilities, great weight shall be given by the county and cities within the county to:

- a. The number and location of existing residential facility beds operated by the department of corrections or the mental health division of the department of social and health services in each jurisdiction in the county; and
- b. The number of registered sex offenders classified as level II or level III and the number of sex offenders registered as homeless residing in each jurisdiction in the county.

"Equitable distribution" means siting or locating secure community transition facilities in a manner that will not cause a disproportionate grouping of similar facilities either in any one county, or in any one jurisdiction or community within a county, as relevant.

Whatcom County should seek a financial mitigation agreement from the Department of Social and Health Services for costs associated with law enforcement training, emergency procedure training and other expenses identified under RCW 71.09.344.

Policy 2VV-15: If significant amendments to the essential public facility siting criteria are proposed in the future, an essential public facilities committee consisting of citizen, business, health care, and government representatives, as appropriate, will be appointed by the County Executive to make recommendations relating to the proposed amendments.

Goal 2WW: **Provide for broad participation in the siting process by affected agencies, citizens and any other interested parties.**

Policy 2WW-1: Assure that any specific procedure for siting facilities considered as regional or essential is consistent with county comprehensive plans and County-Wide Planning Policies.

Goal 2XX: **Utilize the established review or appeal procedure to resolve differences of opinion regarding facility site selection.**

Policy 2XX-1: Appeals relating to essential public facility siting shall be decided by the Hearing Examiner and/or County Council, in accordance with the zoning ordinance, prior to proceeding with any appeals to Superior Court.

Policy 2XX-2: County regulations will not preclude the siting of essential public facilities in designated zoning districts.

Adult Businesses

Introduction

Purpose

The purpose of the adult business section is to prevent crime, protect residential areas and sensitive uses from incompatible uses, protect retail trade, maintain property values, preserve the quality of life in Whatcom County, protect gateways, corridors and connections in the community, preserve rural character and protect children from increased hazards created by adult businesses.

Process

Because of adverse secondary effects of adult businesses, the County Council established a year-long moratorium in 1998 on accepting new applications until appropriate policies and regulations could be established governing adult businesses. Whatcom County Planning Division staff originally drafted this section in response to the moratorium. It was reviewed with a representative of the Whatcom County Prosecuting Attorney's office with regard to Constitutional issues. The Planning Commission held a public hearing before final adoption by the County Council.

GMA Requirements

The GMA does not require a Comprehensive Plan to address adult businesses. However, a county is authorized to plan for land use in general (RCW 36.70A.070). Additionally, the Comprehensive Plan can include any elements relating to the physical development within its jurisdiction (RCW 36.70A.080).

Background Summary

Whatcom County provides an outstanding quality of life that is worthy of preserving for future generations. This quality of life is partially dependent upon controlling crime, protecting residential areas, protecting businesses, preserving rural character and maintaining property values. Adult businesses can adversely impact the quality of life and, therefore, Whatcom County should regulate where such uses are allowed.

Issues, Goals, and Policies

Location of Adult Entertainment Establishments

Adult businesses have been shown to create adverse secondary effects upon the community in the form of crime, harming other forms of retail trade, impacting property values and causing deterioration in the quality of life. Such secondary effects can intensify when adult businesses are located in close proximity to one another. Regulating the location of adult businesses is necessary in unincorporated Whatcom County in order to protect the quality of life and minimize adverse secondary impacts of such businesses.

Goal 2YY: Utilize the established criteria for the location of adult businesses.

Policy 2YY-1: Adult businesses will be allowed with administrative approval use permits in Light Impact Industrial zoning districts that are located within City Urban Growth Areas. Adult businesses will not be allowed in the Light Impact Industrial zone immediately southeast of the Bellingham International Airport because, as the main entrance to the airport, it serves as a gateway to the community.

Policy 2YY-2: Adult businesses will not be allowed in other zoning districts.

Policy 2YY-3: Adult businesses will not be allowed within 1,000 feet of a school, day care, church, park, library, residential zoning district, rural zoning district, Interstate-5, or state highway.

Policy 2YY-4: An adult business will not be allowed within 1,000 feet of any other adult business.

Policy 2YY-5: Non-conforming adult businesses ~~were~~will be terminated by operation of the Whatcom County Code in November 9, 2000. A maximum of four one-year extensions ~~could have been~~may be granted if needed to recoup financial expenditures made in the business.

Historic and Cultural Resources

Cultural resources contribute materially to a sense of place and identity and civic pride. Economic dividends come from cultural tourism and downtown revitalization. Whatcom County recognizes a number of benefits which result from cultural resource preservation. A strong cultural resources management program enables the County to fulfill its legal obligation to avoid potential harmful impacts on cultural resources. The preservation of historic and archeological resources contributes to Whatcom County's rural and cultural character. Historically significant lands, sites and structures, which are part of and help illustrate the collective culture of the people, are important resources for the County. One of the Planning Goals of the

GMA is to "Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance."

Goal 2ZZ: Recognize Whatcom County's historical and archeological attributes and identify and encourage the preservation of lands, sites, and structures that have historic or archeological significance.

Policy 2ZZ-1: Whatcom County shall prepare a cultural resource inventory to identify and document archeological and historic resources.

Policy 2ZZ-2: The County's cultural resource inventory shall be updated on a continuing basis to ensure the inventory's usefulness as a historic preservation and land use tool.

Policy 2ZZ-3: The County's cultural resource inventory shall be coordinated with similar programs maintained by municipalities and Tribes within the county to ensure the comprehensiveness of the inventory.

Policy 2ZZ-4: Consistent with its resources and based on the standards of the cultural resources inventory, the County shall provide technical assistance to local groups whose work can be incorporated into the County's inventory.

Policy 2ZZ-5: The County shall seek to preserve and enhance archeological, historic, and cultural resources by enacting a qualifying historic preservation ordinance and carrying out the mandates of that ordinance.

Policy 2ZZ-6: The County shall meet its cultural resource management obligation under federal, state, and local regulations in an efficient and effective manner.

Policy 2ZZ-7: Consistent with its resources, the County shall provide technical assistance on cultural resource matters.

Policy 2ZZ-8: The County shall promote preservation of identified archeological, historic, and cultural resources.

Policy 2ZZ-9: On projects under its authority, the County shall consistently seek to mitigate negative impacts to cultural resources.

Policy 2ZZ-10: The County shall undertake through a public/private partnership a coordinated long-range planning in conjunction with representatives of arts, heritage, and tourism organizations, to develop strategies for preserving and enhancing cultural resources.

Policy 2ZZ-11: The County shall continue to cooperate with cultural groups and the organized representatives of the tourism industry to promote cultural tourism and ensure that cultural tourism projects remain eligible for funding assistance through its hotel/motel tax fund program.

~~Land Use Action Plan~~

~~Regulatory Changes~~

~~Overall Land Use~~

1. ~~Refer to a technical advisory committee to review the following:~~

- ~~• Redundant regulations.~~
- ~~• Unnecessary regulations.~~
- ~~• Regulations that could be replaced by incentive programs.~~
- ~~• Regulations that could be replaced by education programs.~~
- ~~• Regulations which serve to protect the public welfare, health, and safety.~~
- ~~• Regulations that prohibit fair, timely and well-publicized review.~~

2.1. ~~Draft and propose regulatory changes to implement the recommendations from this plan and give serious consideration to recommendations from advisory committees appointed by the County Executive or County Council.~~

3.2. ~~Propose zoning ordinance changes to designate and develop guidelines and policies and appropriate regulatory amendments to accompany Business/Industry Parks and Crossroads Commercial designations.~~

4.3. ~~Design, present, and adopt a creative land use regulatory program which utilizes such innovative techniques as cluster development, purchase of development rights, transfer of development rights and mitigation banking.~~

5. ~~Revise the zoning ordinance to:~~

- ~~• Include a new zone designation(s) for business/industrial parks possibly as a supplement to the existing LH zone.~~
- ~~• Incorporate Master Planned Resort Guidelines and develop specific locational criteria for Master Planned Resorts.~~
- ~~• Include development standards for the Guide Meridian Corridor.~~

~~Education~~

~~6.4. Design and produce presentations, written materials and other programs to educate citizens on the value of preserving the assets of the community and each individual's responsibility to preserve those assets.~~

Incentives

~~7.5. Establish a committee comprised of citizens, local officials, including one or more Planning Commissioners, and land development experts to design a set of economic incentives for property owners to voluntarily reduce density on their property, and to encourage protection of valuable open space identified on the Open Space Map.~~

~~8.6. Undertake complete and programmatic environmental review for identified growth areas to facilitate urban and industrial development.~~

~~9.7. Monitor the results of incentive programs on an annual basis to ensure desired results are achieved and produce a report outlining results of the programs.~~

Subarea Plans

~~10.8. Revise county subarea plans, if appropriate, to incorporate urban growth area boundaries as identified in this plan, ensure consistency with this plan, and eliminate any redundancy in policy. Continue to implement existing subarea plan action items that are consistent with this plan.~~

~~11.9. Examine alternatives for meeting the transportation and utility needs for Sudden Valley.~~

~~12.10. Continue the industrial land supply study, identify appropriate additional industrial land in the Whatcom County Comprehensive Plan and update subarea plans accordingly.~~

~~13.11. When completed, review the Comprehensive Flood Hazard Management Plan to ensure consistency with land use plans and regulations.~~

Citizen Involvement

~~14.12. Establish Council-appointed subarea citizens' committees to participate in the updating and review of subarea plans, if appropriate.~~

~~15.13. Improve methods of notification to affected property owners of land use decisions.~~

Timing/Review

~~16.14. Using the Growth Management Oversight Committee, establish a methodology for land supply and urban growth area boundary review.~~

~~Urban Growth Areas~~

~~17.15. Using the Growth Management Oversight Committee, develop a cooperative approach to Geographic Information System use with all the cities and interested special districts which may include regular user meetings, cooperative funding, and data needs.~~

~~18.16. Work with the City of Blaine to establish a project review process for development within Blaine's UGA that ensures consistency with Blaine's Comprehensive Plan and development regulations and standards.~~

~~19.17. Adopt and maintain County zoning for the Blaine UGA which would allow urban densities to develop only in conjunction with annexation or a commitment to annex within a very specific timeline and under very specific conditions.~~

~~20.18. Work with the City of Blaine to develop an appropriate level of regulation to adequately protect the Drayton Harbor watershed. Cooperate with the City in enforcing these regulations.~~

~~21. Work with all cities to ensure limitation of development in floodplains within their UGAs.~~

~~22.19. Establish a time frame and process to work with the City of Everson and land owners to develop an environmentally safe plan to facilitate conversion of mineral resource lands adjacent to Everson to urban or rural land uses.~~

~~23.20. Work with cities to develop regulations that assure compatibility of uses adjacent to resource lands.~~

~~24.21. Develop a time frame and process to work with cities to make the appropriate changes to urban growth area boundaries and zoning designations when necessary.~~

~~25. Review and update interlocal agreements with each city, as necessary, to address:~~

- ~~• levels of service within and outside the UGAs.~~
- ~~• identification of needed improvements and establishment of how they will be funded.~~
- ~~• development standards within the UGA and review procedures, including wetland and floodplain protection, for development proposals.~~

- coordination with the county on greenbelt and open space designations.
- timing and procedures for review of adequate land supply.
- consistency with the Coordinated Water System Plan.
- actions specific to each city and identified in the goals and policies for that city.
- extension of water and sewer services within UGAs.
- specific development density requirements within annexation proposals.
- cities should show evidence of meeting their infill goals as identified in their comprehensive plans.
- mitigation agreements for conversion of lands designated on the County Comprehensive Plan map as Resource Lands, with the exception of depleted Mineral Resource Lands.

~~26.22. Adopt interlocal agreements with water and sewer districts, if appropriate, to assure service to county unincorporated urban growth areas and limit urban levels of service outside Short Term Planning Areas.~~

~~27.23. Work with the Sudden Valley Community Association to implement the density reduction program.~~

~~28.24. Establish on-going communications link with Whatcom County Water District 13, Columbia Valley Water District and Community Associations to work towards mutually beneficial infrastructure solutions including combined services in the Columbia Valley UGA.~~

~~29.25. Develop a mechanism for addressing neighborhood parks in Bellingham's Urban Growth Area when development occurs prior to annexation. Use the Urban Fringe planning process and the city/county development review process to address neighborhood park needs in Bellingham's UGA if development occurs prior to annexation.~~

~~30.26. Continue to work with Bellingham and Lake Whatcom Water and Sewer District to protect and manage the Lake Whatcom watershed in accordance with the 1998 jointly adopted interlocal agreement. Focus on continued implementation of the 5-Year Work Plans of the Lake Whatcom Management Program. In addition, work with the affected jurisdictions and secure funding for programs.~~

~~31.27. Review and modify (as needed) the current development review process for projects in the Lake Whatcom Watershed to ensure coordination with other jurisdictions.~~

~~32.28. Establish a provision that prevents density increases from occurring as a result of provision of sewer in the Rural zone in the Lake Whatcom Watershed.~~

Open Space

~~33.29. Review Whatcom County land use and taxation policies to ensure that there are incentives for landowners to pursue agriculture and forestry open space designations that implement the Open Space section of this plan.~~

~~34.30. Develop strategies to encourage utilization of open space designations in order to protect natural resources, open space, and critical areas.~~

~~35.31. Develop a strategy to implement the Open Space Corridor map included in this chapter.~~

~~36.32. Working with landowners, develop a list of priority sites for acquisition or other form of open space preservation based on criteria from *Preserving a Way of Life: A Natural Heritage Plan for Whatcom County* and the goals and policies of the *Comprehensive Park and Recreation Open Space Plan*.~~

~~37.33. Continue to acquire priority sites utilizing the Conservation Futures Levy and other funding sources. Work with Whatcom County Land Trust and others to facilitate protection of these designated sites.~~